

CRITICAL ESSAYS ON POETRY

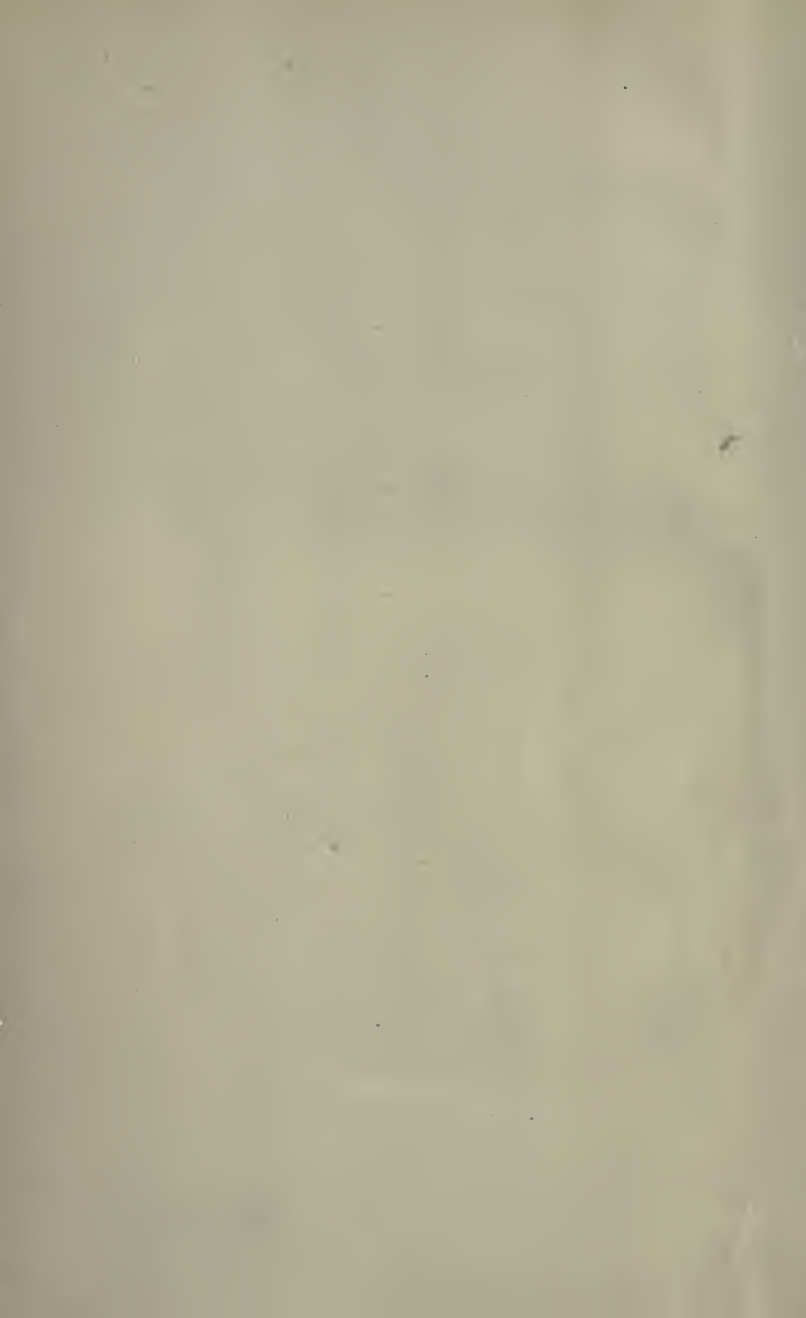
ETC.

SIR HENRY TAYLOR









THE WORKS OF
SIR HENRY TAYLOR.

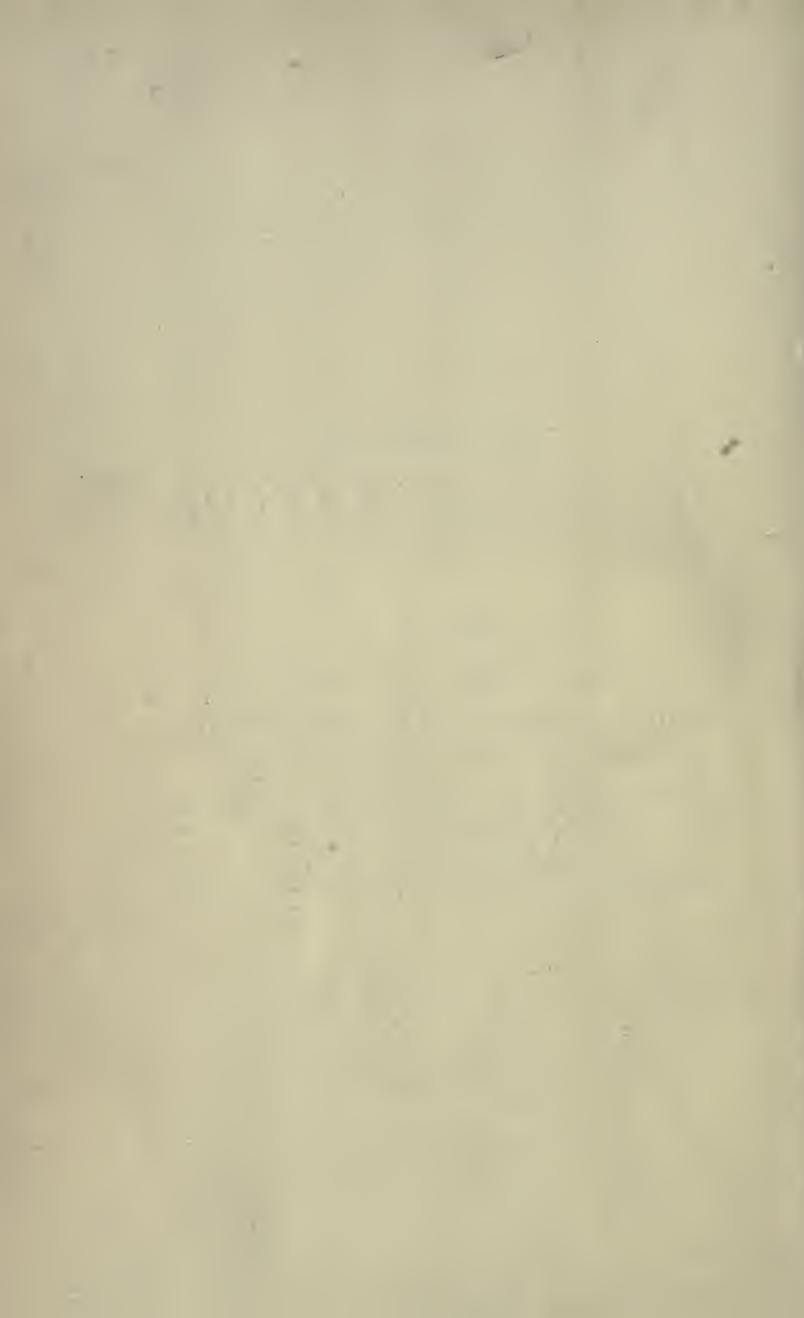
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CRIME CONSIDERED IN A LETTER TO THE
RIGHT HON. W. E. GLADSTONE.

REVIEW OF JOHN STUART MILL'S WORK ON
"THE SUBJECTION OF WOMEN."

CORRESPONDENCE WITH JOHN STUART MILL.



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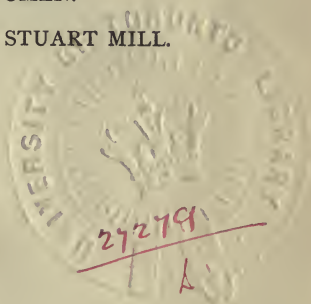
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CRITICAL ESSAYS ON POETRY.



P R E F A C E

Of 1849.



[The first of these essays was first published in No. 104 of the "Quarterly Review" (December, 1834); the second in No. 137 (December, 1841); the third in No. 143 (May, 1843). They were re-published in 1849, with the preface now again prefixed to them: and by a singular coincidence the political crisis in France which, according to the preface, prompted their republication in 1849, is repeating itself now in December, 1877; not, of course, with the elements unchanged, whether or not it may be with the like issues.]

ALTHOUGH I have always intended to reprint those few writings of mine in periodical works, which are not necessarily and by the nature of the subjects ephemeral, I should not have chosen for the republication this time of political excitement, were it not that there is to be found in one of these Essays—the second of the series—an exposition of the views taken by our greatest Poets of the nature of liberty; which exposition, if it justly represent those views, will not be unaptly put forward

for present consideration. Our great Poets have been, perhaps, our best political philosophers; and if the reading and study of poetry be put aside by political commotions, it is because men lack time to be studious, or because the temper of their minds is rendered averse from contemplation, not because our poetry is wanting in applicability to such seasons: for unless I err greatly through partiality and partial knowledge, the poetry of this country (a country pre-eminently poetical), is its chief storehouse of civil wisdom; whilst it is in that other country whose poetry has ever been of an inferior order and beyond its own territories in the least estimation, that political wisdom has been most at fault; supplanted from time to time by the crudest theories and the most barbarous practice—in so much that, despite the scientific attainments, the many dexterities and the colloquial cleverness of that people, any instructed man who should adventure to visit them at this time, might suppose himself, like the suitor in Beaumont and Fletcher's Play, "arrived amongst a nation of new-found fools, on a land where no navigator had yet planted wit." Such would be the appearance; and though in reality there is no such thing as a nation of fools, yet there is, unhappily, a nation in which, at particular conjunctures, and (let us hope) only for a season, the fools are so

much the most active and energetic as to be the only parties apparent ; and through defect of sober intrepidity on the part of those who are rational, fool-hardihood is triumphant.

“ The Good want power, but to weep barren tears ;
The Powerful goodness want, worse need for them ;
The Wise want love ; and those who love want wisdom ;
And all best things are thus confused to ill.” *

I do not mean of course to imply that it is for want of written poetry that the French nation cannot see its way ; nor that it is by virtue of written poetry that our way lies more in the light : but out of that imaginative power in our national mind which is wanting in theirs, have proceeded the twin-births of poetry and political wisdom : and as they are born of one stock, so do they dwell together in the land in a faithful and helpful relationship.

If the poet who is now one of the foremost members of that body in France which is called its Government, and who is apparently one of the least erring, certainly the most brave and generous of their number,—if that in some respects very admirable person be not politically wise, the inference should be, not that poets make bad politicians, but rather that this politician is but an in-

* Shelley. ‘Prometheus Unbound.’

different poet. For true greatness in poetry there is none without wisdom,—without that wisdom at least which errs not widely in the philosophy of politics, whether or not it be competent to the conduct of affairs. The great English Poets, though ardent lovers of freedom, have never, as far as I know, lent their countenance in a single line to the confounding of liberty with equality: nor was it possible that they should do so, so long as the poetic faculty was alive in them: for in what is that faculty most essentially exercised but in the inquisition into Nature, and who can look into Nature and fail to see that the system of God's Providence therein is not a system of equality, but throughout its whole scope and tenour a system of subordination?

“Not equal all, yet free;
Equally free: for orders and degrees
Jar not with liberty, but well consist.”*

Such was the judgment of the least conservative of our great Poets as delivered in verse: and the prose development of his opinions may be found in his second book ‘Of Reformation in England.’

In Spenser's allegory the champion of equality is represented as a Giant full of violence, pride, and presumption, who proclaimed that all realms and nations

* ‘Paradise Lost,’ bk. v. 791.

were run awry, and undertook to put them right by reducing all things to a level :—

“ Therefore the Vulgar did about him flock
And cluster thick unto his leesings vain,
Like foolish flies about an honey-crock,
In hope by him great benefit to gain.”

He is rebuked by Arthegal as seeking to contravene the order of Nature and Providence, and also for his blindness in aiming at equality through mere physical distribution, having, at the same time, no balance in which he can weigh what is moral, spiritual, or intellectual. But he stubbornly maintains his ground :—

“ ‘Thou foolish Elf,’ said then the Giant wroth,
‘Seest not how badly all things present be,
And each Estate quite out of order go’th ?
The Sea itself dost thou not plainly see
Encroach upon the Land there under thee ;
And th’ Earth itself how daily ’tis increased
By all that dying to it turned be ?
Were it not good that wrong were then surceased,
And from the most that some were given to the least ?

“ ‘Therefore I will throw down these mountains high,
And make them level with the lowly plain :
These towering rocks which reach unto the sky
I will thrust down into the deepest main,
And as they were them equalise again.
Tyrants that make men subject to their law,
I will suppress, that they no more may reign ;
And Lordings curb that Commons overawe,
And all the wealth of rich men to the poor will draw.’

“ ‘Of things unseen how canst thou deem aright,’
 Then answered the righteous Arthegal,
 ‘Sith thou misdeem’st so much of things in sight?
 What though the Sea with waves continual
 Do eat the Earth, it is no more at all;
 Ne is the Earth the less or loseth aught;
 For whatsoever from one place doth fall
 Is with the tide unto another brought:
 For there is nothing lost but may be found if sought.

* * * * *

“ ‘For take thy balance (if thou be so wise)
 And weigh the wind that under Heaven doth blow;
 Or weigh the light that in the East doth rise;
 Or weigh the thought that from Man’s mind doth flow:
 But if the weight of these thou canst not show,
 Weigh but one word that from thy lips doth fall.
 For how canst thou those greater secrets know
 That dost not know the least thing of them all.
 Ill can he rule the Great that cannot reach the Small.’ ”

The argument proceeds, not without the help of Talus, the faithful attendant of Arthegal; but the Giant is obstinate in error:—

“ Whom when so lewdly-minded Talus found,
 Approaching nigh unto him, cheek by cheek,
 He shouldered him from off the higher ground,
 And down the rock him throwing, in the sea him drowned.”

That portion of Spenser’s argument which points to the restorative and compensatory character of apparent deprivations in the physical scheme of Nature, in order to be recognised as just in politics, should have been, perhaps, more distinctly connected with that other portion of his argument which insists upon the im-

portance, in the lot of Man, of those elements which are not told by number, weight, or measure ; showing that equality of wealth does not produce equality of weal, and that Justice is concerned, not in making men equal, but in making them as much as may be, equally the arbiters and agents of their own happiness and fortunes. There is but this step wanting, however, to bring the opponents “cheek by cheek,” and the Giant is fairly shouldered from the higher ground.

If Spenser and Milton, each in his way, the one copiously, the other succinctly, propounded the principles by which liberty and justice are distinguished from equality, Shakespeare, whose political philosophy was far-sighted in proportion to the light which his imagination cast upon all he saw, might almost be supposed, from a speech given to Ulysses in ‘Troilus and Cressida,’ to have descried in prophetic vision those consequences of the doctrines of equality which at the end of the last century were exemplified in France :—

“ How could communities,
Degrees in schools, and brotherhoods in cities,
Peaceful commerce from dividable shores,
The primogenitive and due of birth,
Prerogative of age, crowns, sceptres, laurels,
But by degree, stand in authentic place ?
Take but degree away, untune that string,
And hark ! what discord follows ! Each thing meets

In mere oppugnancy : the bounded waters
 Should lift their bosoms higher than the shores
 And make a sop of all this solid globe :
 Strength should be Lord of imbecility,
 And the rude son should strike his father dead :
 Force should be right ; or rather, Right and Wrong,
 (Between whose endless jar Justice resides,)
 Should lose their names, and so should Justice too.
 Then everything includes itself in power,
 Power into will, will into appetite ;
 And appetite a universal wolf,
 So doubly seconded with will and power,
 Must make perforce a universal prey,
 And, last, eat up himself." *

In the progress of such a principle, Ulysses beheld
 plagues, portents, and mutiny,—

“frights, changes, horrors,
 Divert and crack, rend and deracinate
 The unity and married calm of States
 Quite from their fixure.”

That Shakespeare, living in a peaceful age, under a monarchy yet unshaken, should have traced with such curious precision the hypothetic results of the false philosophy which was to be long after exemplified in France ; and that France, in little more than sixty years after her first Revolution, should be brought again within the danger of these consequences, may serve to show how much we may learn from the imaginative reason without experience ; and where the reason is not imagi-

* ‘Troilus and Cressida,’ Act. i., Scene 3.

native, how soon the lessons of experience are forgotten. In this country, where the imaginative character of the national intellect deepens and widens its contemplations and retards its conclusions,—for the imagination is a self-questioning faculty,—I trust it is superfluous to insist upon the truth that liberty has no interest in equality. In France, where, with great activity of the other faculties, the popular imagination is small, weak, and at the same time, highly excitable,—for, in the mind as in the body, inflammatory action proceeds as often from weakness as from fulness,—it is a truth which the very elect of the instructed classes have shown themselves unable to discern.

But if the English people be safe from the grosser delusions which are now prevalent in France, they have, nevertheless, much to learn as to the moral and spiritual nature of liberty, and the impossibility of pushing it on by merely political impulses. This they will best learn from those by whom liberty is best loved : and there are no sources from which the love of liberty flows more freely than from the minds of the great Poets of England.



CRITICAL ESSAYS ON POETRY.



ESSAY ON THE POETICAL WORKS OF MR.* WORDSWORTH.

(First published in 1834.)

MR. WORDSWORTH'S prefatory theories have been for many years sufficiently vexed and controverted ; and the time seems to have come when, if we are to pause at all upon this threshold of his works, it should be with a view rather to a statement of the results than to a continuance of the disputation. In point of opinion the result has been, as to the matter of poetic diction, a very general admission that no real elevation can be given to poetry by the use of phrases which are no otherwise poetical than as not being met with in prose. In point of practice, the result might have been equally decided, if certain results of a different character had not been thrown up at the same time from other sources.

* In the year 1834 Wordsworth was naturally so designated. In this year of 1878 to write of *Mr.* Wordsworth would be as absurd as to write of *Mr.* Milton.

Some reforms have been effected, however. The poetical vocabulary in use precedently to Mr. Wordsworth's prefaces has been expurgated; Poetry is, in some particulars, more plain-spoken than she was then used to be; and some things are now called by their right names which were then considered to be more favourably presented to the reader under any other denominations than those which belong to them in the language of real life. Thus the bird commonly known by the name of the nightingale is now so called in poetry; whereas before Mr. Wordsworth's time no poet could be content to give it an appellation less poetical than "Philomel," or "tuneful bird of night;" and the luminary which was formerly graced with some such titular distinction as "Bright Phœbus," or "Apollo's golden fire," is now to be met with in a volume of poetry under the same name as that which is given to it in the almanac.

So far the prefaces did their work; but hardly was it accomplished, when there sprang up a new growth of abuses; and whilst some of these bore a very close resemblance to their predecessors, others, though having their root in the same soil, tended more dangerously to the corruption of style, inasmuch as they were of a more covert and surreptitious nature. A bald misnomer like that of "Philomel" or "Bulbul,"* "Albion" or "Erin,"

* It has been said, by some one—I forget by whom—that he had learnt, for the first time, from Lord Byron's poetry, that two bulls make a nightingale.

is sure to be shortly weeded out of the language to which it does not belong; but there are ways at the present time of falsifying genuine English words for purposes supposed to be poetical, which are more insidious, inasmuch as they carry with them not merely a confusion of tongues, but a confusion of ideas; and often also, by really conveying a sentiment, give some colour to their pretext of conveying a sense.

If we look through some volume of current poetry for one of those words which seem to be considered eminently poetical at the present day—the adjective “wild” for example—and consider it closely in the many situations in which it will be found to recur, we shall in general find it to be used, not for the sake of any meaning, definite or indefinite, which it can be supposed legitimately to bear, but—in a manner which Mr. Wordsworth’s prefaces will be found to explain—for the sake of conjuring up certain associations somewhat casually connected with it. It has been originally, perhaps, employed with propriety and with distinguished success, in some passages conceived in the same mood of mind and pointed to the same effects which are aimed at by its subsequent employers; the word takes, as it were, the colour of these original passages; becomes a stock-word with those who have more of the feeling of poetry than of discrimination in the use of language, and is employed thenceforward with a progressively diminishing concern for its intrinsic significancy, or for the propriety

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known

of the applications which are made of it. The adjectives *bright, dark, lonely*, the nouns *light, dream, halo*, and divers other words, might be instanced, which are scattered almost at random through our fugitive poetry, with a sort of feeling senselessness, and convey to the congenial reader the sentiment of which they are understood to be the symbols, without either suggesting to him any meaning or awakening him to the want of it. In some instances it does not seem to be necessary that the word should be otherwise than misplaced, even in the passage which may have first given the impulse which led to the indiscriminate use of it. "The mind, the music *breathing* from her face," is suggestive of as much false metaphor as could well be concentrated in a single line; but it conveyed some vague impressions of beauty and fervour and was associated with the feelings with which Lord Byron's writings were usually read; and "to breathe" became thenceforth, amongst the followers of Lord Byron, a verb poetical which meant anything but respiration. Indeed the abuse seems to have spread to a circle which might be supposed to be remote from Lord Byron's influence: for a book was published two or three years ago with the title of '*Holy Breathings*.'*

* (1877). One of the phenomena which criticism strives in vain to account for, is the universal currency obtained for a time by some such line or phrase in poetry as the author himself, perhaps, on a revision of what he had written, would most desire to efface. In the poetry of Keats, with all its grace of diction and fervour

These errors, when they shall have become old and tiresome, will probably give way, like those which preceded them, on the one hand to more fresh and fashionable faults, and on the other to a renewed application of Mr. Wordsworth's principles of poetic diction. Natural good sense and good taste will always conquer at last, though they will never be in want of new worlds of error, to oppugn; and upon the sense and taste of the natural human understanding Mr. Wordsworth's principles will be found to rest, if they be accepted with the modifications which may be considered to have fairly resulted from the discussion that they have undergone. So accepted, they would teach the poet, not to draw his language exclusively from that of common life, nor indeed to reject, from some kinds of poetry, language of a highly scholastic and composite structure; nor, if a dramatist, need he fear to put diction more or less archaic into the mouths of mediæval *dramatis personæ*; Shakespeare has made the language of his own time the native tongue of the drama; but in general to use the same language which is employed in the writings and conversations of other men when they write and discourse their best—to avoid any words which are not

of imagination, there was one unlucky phrase to be found in which was neither grace nor grammar: "*A thing of beauty* is a joy for ever." It was put up over the entrance of an exhibition of works of art in one of our largest commercial towns, and has been passing from mouth to mouth ever since.

admissible in good prose or unaffected conversation, whether erudite or ordinary—and especially to avoid the employment of any words in a sense which is not their legitimate prosaic sense. The more these rules are observed, the more benefit will accrue to the writers and readers of poems: at least to those writers who can afford to deal in clear ideas, and to those readers who have so far exercised their faculties as to be desirous to understand a meaning in poetry.

If the influence of Mr. Wordsworth's works has added largely to the number of those who cultivate poetry with this aim, it is saying nothing in derogation of what he has done for his art—more than must be said of the greatest artists that ever existed—to acknowledge that the generation of false tastes and foolish phraseologies proceeds *pari passu* with their destruction, and that Mr. Wordsworth has not, any more than any poet ever did before, cut off the succession of readers who are capable of receiving, through catch-words appealing to their poetical susceptibilities, a pleasure which would be dissipated if any demand were made upon their understandings.

“ Ut sylvæ foliis pronos mutantur in annos ”—

If the true tastes of mankind are permanent and the false deciduous, there are nevertheless those elements of false taste permanently inherent in human nature, which will perpetuate the kind and quality of bad poetry,

however speedy may be the oblivion of the successive products. Let Mr. Wordsworth, or

“Let Hercules himself do what he may,”

poetry always will have, no doubt, as it always has had, its meretricious professors, its vicious admirers, and its bastard language.

Perhaps, however, the progress of Mr. Wordsworth's principles has been more aided by his poems than by his prefaces—by his practice than by his theory ; for whilst the consideration of the latter is still we believe confined to disciples and students, the poems have made a rapid advance to popularity, more especially in the last ten years.* A marked change may be observed in the tone taken upon the subject by those who float upon the current of society and make themselves the mouthpiece of its opinions. The time is not long past when the mention of Mr. Wordsworth's name would have been met by any one of these gentlemen with some excellent joke about Peter Bell or the Idiot Boy : but of these pleasantries mankind has by degrees grown weary ; and there are few societies in which they would not now be received as denoting that the party from whom they proceeded was somewhat behind the world in these matters.

* 1824-34.—The advance was more rapid in the years that followed 1834. The publisher of Mr. Wordsworth's works told me that the sale of them had doubled immediately after the appearance of this article.

It may be, however, that it is in a great measure Mr. Wordsworth's own fault that he has been thus late in winning the ear of the people at large. He knowingly and wantonly laid himself open to ridicule at a period when criticism was infected by a spirit of sarcasm which, ignorant and shallow as it was, was not ill calculated to please the popular appetite, was attended therefore with eminent success, and brought a blight as of a poisonous insect upon the growth of everything that was great and noble. Criticism and poetry, which ought to flourish together as members of the same family of art, were then hardly ever in friendly relations with each other: the former, on the contrary, growing beside the latter like a mildewed ear, "blasting its wholesome brother." At this period, Mr. Wordsworth, challenging and defying, as it were, the evil spirit which was abroad, persisted in throwing out, from time to time, effusions which he must have known to be the very matter which that spirit would most delight to fasten upon and could turn to the best account. He seemed to brave the contempt of the children of this world, and to take a pleasure in provoking the scoffs of their blind guides, as one who was resolved that his followers should be a peculiar people.

It is not easy to say why this should have been done, or what was the compensation which it brought for the disadvantage, which it must unquestionably be esteemed by any poet, to have his influence—in this instance, it

may be said, his purifying, fertilizing, and exalting influence—so long checked and retarded ; thereby rendering him, though not ultimately less illustrious, yet certainly less useful in his day and generation.

If it be necessary to specify in what instances Mr. Wordsworth did wantonly expose himself to injury from the buffoons of criticism, take the commonly quoted instance of the 'Idiot Boy;' its announcement of a serious moral purpose, namely, that of "tracing the maternal passion through many of its more subtle windings," and the choice of the incidents through which this purpose was to be accomplished, namely, the illness of Susan Gale—Betty Foy's difficulty in finding any one to go for the doctor—her determination to send her son the idiot upon a pony—his losing himself on the way—Betty's distressful search for him and ultimate success. This end could not be announced and these means employed, without producing such a sense of contrast as must of necessity suggest ludicrous ideas and favour the attempt to direct upon the author the sentiment of ridicule so provoked. Human ingenuity cannot invent that amalgam of the trivial and the grave, of the imaginative and the familiar, which should succeed in giving congruity of effect to such a narrative, seriously related and set forth with the details which Mr. Wordsworth has not omitted to delineate. Will it be said, then, that the relation is meant to be comic?—a comic narrative, merely adumbrating such matter of serious thought as all truth is

pregnant with, when regarded with a philosophic mind? But if the poem is to be so considered, then the comic effect, resulting as it does chiefly from the narration in verse of matters of fact which when there introduced appear ridiculously insignificant, must be said to be wanting in vivacity, unity, and predominance. Passages of poetic beauty occur,* and appear to demand of the reader that he should regard the whole as a serious performance, and there is no such decided and unmixed drollery as might dissipate his perplexity and assure him that it was the poet's intention to excite his merriment.

The faults of which the 'Idiot Boy' is an example, are attributable also, in a more or less degree, to several others of Mr. Wordsworth's earlier minor poems, and to portions of 'Peter Bell.' As experiments, or as intellectual freaks or vagaries, there was no reason why he should not have written these poems, except that they afforded to the clowns and harlequins of criticism an opportunity of "setting on a certain quantity of barren spectators to laugh." But, bearing in mind that this was sure to be the result, and that this result was calculated to repress the admiration which must otherwise have been rendered

* Take, for instance, the following :—

" By this the stars were almost gone,
The moon was setting on the hill,
So pale you scarcely looked at her :
The little birds began to stir,
Though yet their tongues were still."

Poets have always delighted in describing times by their incidents ;

to his works at large, there can be no doubt that he would have done well to temper with more of worldly discretion, in these intrinsically unimportant particulars, the independent exercise of his genius.

There are some other particulars in which the censures which have been passed upon several of Mr. Wordsworth's earlier poems may be admitted to be just. His theory of poetic diction was perhaps urged further in practice than it would have been, had it not been a sort of theory militant—a theory which had to prevail against popular error in the opposite extreme and to establish itself in spite of the hostility of critics. He was perhaps more afraid than was needful of indulging in the weakness of concession.

“I am sensible,” he says in the preface to the second edition of the *Lyrical Ballads* that my language may frequently have suffered from those arbitrary connexions of feelings and ideas with particular words and phrases, from which no man can altogether protect himself. Such faulty expressions, were I convinced they were faulty at present and that they must necessarily continue to be so, I would willingly take all reasonable pains to correct. But it is dangerous to make these alterations on the simple authority of a few individuals,

and ‘*The Hours*’ have each received, from poet or painter, or both in one, their characteristic garb and emblem: but it would be difficult to find any passage in which the poetical faculty is made thus delicately, and as it were with a minute-pointer, to indicate the time of day.

or even of certain classes of men ; for where the understanding of an author is not convinced, or his feelings altered, this cannot be done without great injury to himself : for his own feelings are his stay and support ; and if he sets them aside in one instance, he may be induced to repeat this act till his mind loses all confidence in itself, and becomes utterly debilitated."

Can it be supposed that Mr. Wordsworth's mind, deeply founded as it was by nature, could have run any risk of this kind from a more ready compliance with public tastes, on points which were material no otherwise than in the unfortunate particular of leading to conflicts ? The answer can hardly be doubtful ; but whether from the impulse of this unyielding *antagonism*, or from giving too much way to thought and theory in the choice of his phraseology and thus losing the guidance of natural impressions, he was frequently betrayed into the use, in serious poetry, of language not only plain but colloquial ; of phrases not only divested of adventitious associations of the poetical kind, but charged with opposite associations ; and his style, in certain portions of his earlier writings, lay open to the objection, that whereas the end it had in view was a perfect simplicity of effect, it did not in point of fact accomplish that object, nor appear to the majority of readers to be the style which it was natural for an educated writer to use whose chief care was to convey his meaning distinctly. It is always to be borne in mind, that simplicity in poetry is the result of art, and

that the *ars celare artem* is peculiarly requisite to this grace of style. In some of Mr. Wordsworth's earlier poems the art employed to this end was consummate; in others it was more or less apparent.

"Beneath the clear blue sky, he saw
A little field of meadow ground;
But field or meadow name it not;
Call it of earth a small green plot,
With rocks encompassed round.

"The Swale flowed under the grey rocks,
But he flowed quiet and unseen;—
You need a strong and stormy gale
To bring the noises of the Swale
To that green spot, so calm and green!"

In these stanzas he betrays the devices by which the effect of simplicity was sought to be obtained. But take next an example in the other kind; one in which art,—occult art,—is exercised with admirable success in simplifying the language of poetry. An old man, of a mirthful temperament, is lying with the poet, on a summer's day, by the side of a fountain, and replies to a request that he would sing one of his lively songs, in a strain of transitory sadness, such as is often evoked by a summons to be gay:—

"Down to the vale this water steers—
How merrily it goes!
'Twill murmur on a thousand years,
And flow as now it flows.

"And here, on this delightful day,
I cannot chuse but think
How oft, a vigorous man, I lay
Beside this fountain's brink.

“ My eyes are dim with childish tears,
My heart is idly stirred,
For the same sound is in my ears
Which in those days I heard.

“ Thus fares it still in our decay,
And yet the wiser mind !
Mourns less for what age takes away
Than what it leaves behind.

“ The blackbird in the summer trees,
The lark above the hill,
Let loose their carols when they please,
Are quiet when they will.

“ With nature never do *they* wage
A foolish strife ; they see
A happy youth, and their old age
Is beautiful and free :

“ But we are pressed by heavy laws ;
And often, glad no more,
We wear a face of joy because
We have been glad of yore.

“ If there be one who need bemoan
His kindred laid in earth,
The household hearts that were his own,
It is the man of mirth.”

To language so exquisitely simple as this, so graceful, so thoughtful, it may be doubted if the corrupted taste of any age, however dazzled with false adornments, could refuse admiration ; and if the simplicity of all Mr. Wordsworth's earlier poems had been neither more nor less than this, his works would probably have been as popular

from the first as they have lately begun to be. Yet how few, comparatively, of his now voluminous works are those from which many thoughtless persons have been used to infer the character of the whole; and how genuine is the simplicity of style in nine-tenths of his writings, in all that he has written subsequently to the period of his earlier and more theoretic taste! In truth, those who refer to the 'Idiot Boy,' as a characteristic specimen of Mr. Wordsworth's poetry, after having really read his works, might be equally expected, after reading those of Lord Bacon, to quote, as characteristic of that great man's philosophy, the portion of his medical writings in which he recommends, as good for the digestion, "whelps and healthy young boys applied to the stomach." Few or none are the minds of great activity which are not subject to these occasional aberrations and lapses.

Idle misapprehensions of this kind are not the only ones which have retarded Mr. Wordsworth's popularity. Readers of a very different class from those who fell into these errors—able men and laborious students—have been accustomed to deliver it as their opinion, that Mr. Wordsworth is more eminently a great *thinker* than a great poet; and the belief has been disseminated that it is necessary to climb to the heights of a new system of philosophy in order to reach an appreciation of Mr. Wordsworth's poetry and find a pleasure in it. Perhaps those from whom this opinion has taken its rise, are men

who, from the nature of their studies and the bent of their minds, apprehend more readily what is intellectual than what is poetical, and see all that there is of thought in what they read, and not all that there is of poetry. Undoubtedly Mr. Wordsworth is a philosopher; but those who are repelled from his writings by this consideration must need to have it explained to them in what sense he is so; and one or two pages may not be misemployed in the endeavour to afford them this explanation.

Mr. Wordsworth then, it may be said, is a philosophic writer in the sense in which any man must be so who writes from the impulses of a capacious and powerful mind, habituated to observe, to analyse, and to generalise. So far forth was Shakspeare likewise a philosopher. But it does not follow from this that he should be supposed to have invented any peculiar ethical or metaphysical system, or to have discovered any new principles upon which such a system could be built. What is new and peculiar in him as a philosophic thinker is, not his view of the primary principles of psychological philosophy, nor the trains of ratiocination by which he descends to those which are secondary and derivative: it consists not so much in reasoning as in judgment; not so much in the exposition of abstract truths as in his manner of regarding the particulars of life as they arise and of generalising them into one truth or another according as the one or the other harmonises with his

moral temperament and habitual and cherished states of feeling.

If a poet have any peculiar philosophy of his own, it must be mainly through this modification of the judgment by individual temperament; the affinities of such temperament drawing round him and giving predominant influence to some truths, whilst others are merely not rejected in deference to the reason. Nor is it to be supposed that a judgment so modified, and a philosophy into which sensibility thus enters, are therefore fallacious. Such a supposition may be entertained, no doubt, by those who have imagined to themselves such a mere fiction as the contemporaneous discernment of all moral truth. The real state of the case being, however, that truth can only be shown piecemeal in its component parts, and that poetry, at all events, can do no more than cast partial lights upon it, it is saying nothing in derogation of any man's philosophy, still less of his poetical philosophy, to affirm that in so far as it is peculiar to himself it is so by dealing with that portion of truth of which his temperament gives him the most lively consciousness. By his individual temperament it is that Mr. Wordsworth's philosophic perceptions of truth, various and composite as they are, come to have a certain unity of drift, which has given to his writings the character of embodying a peculiar system of philosophy. But to some readers poetry comes rather as veiling philosophy than as a light upon it, and it may be well to explain

some of the features of Mr. Wordsworth's philosophy by a commentary upon some of the passages in which it is to be found.

The lines left upon a yew-tree seat, after describing the life of mortification led by a neglected man of genius—

“Who with the food of pride sustained his soul
In solitude”—

conclude with the following moral :—

“If thou be one whose heart the holy forms
Of young imagination have kept pure,
Stranger ! henceforth be warned ; and know that pride,
Howe'er disguised in its own majesty,
Is littleness ; that he who feels contempt
For any living thing, hath faculties
Which he has never used ; that thought with him
Is in its infancy. The man whose eye
Is ever on himself, doth look on one,
The least of Nature's works, one who might move
The wise man to that scorn which wisdom holds
Unlawful ever. Oh be wiser, thou
Instructed that true knowledge leads to love,
True dignity abides with him alone
Who, in the silent hour of inward thought
Can still suspect, and still revere himself,
In lowliness of heart.”

Let the stranger who is addressed in this passage be supposed to be another Wordsworth, another philosophic poet, or rather a pupil apt for becoming such, and then the injunctions which it contains are admirably calculated

to train him in the way that *he* should go, although it may be possible to represent them as requiring to be received with some qualification by others. The nature of these qualifications will present a key to some of the peculiarities of Mr. Wordsworth's moral views. We are told that

“ He who feels contempt
For any living thing, hath faculties
That he has never used ; that thought with him
Is in its infancy.”

Were we to understand the doctrine as delivered for acceptance by mankind at large, we should take some exceptions. The moral government of the world appears to us to require that in the every-day intercourse of ordinary man with man, room should be given to the operation of the harsher sentiments of our nature—anger, resentment, contempt. They were planted in us for a purpose, and are not essentially and necessarily wrong in themselves, although they may easily be wrong in their direction or in their degree. What we have to do is not to eradicate and abolish such feelings ; and we are to subdue, tame, and control them, not with a view to their suppression, but only with a view to their just application. Let the sentiment of justice be paramount, and it will lead to such serious consideration of the grounds of our hostile feelings as will, in itself and of necessity, temper them ; but neither need nor ought to extinguish them, nor even to abate their vivacity further than is necessary to admit of

clear perceptions and a just judgment of their objects. Anger, resentment, and contempt, are instruments of the penal law of nature and private society, which, as long as evil exists, must require to be administered; and the best interests of mankind demand that they should be tempered with justice much more than with mercy. The public laws of a community, and the penalties they denounce, have their chief importance by giving countenance and operation to the private penalties of society, searching and pervasive, inflicted by the neighbour who looks us in the face or the dealer who traffics with us; for it is by these alone that evil inchoate can be contended with and destroyed. That Man, so far as he is liable to evil inclinations, should fear his neighbour, is as requisite for the good of society as that he should love his neighbour; and that which he will commonly stand most in fear of is his neighbour's just contempt.

Are we then, in so far as the doctrine in question is concerned, to attribute to Mr. Wordsworth a *false* philosophy? Not if we understand what he writes with the reservations and developments with which the language of poetry, like the language of proverbs, should be accepted. In the first place, we conceive that Mr. Wordsworth adverted more especially to that species of contempt which is immediately connected with the pride denounced previously in the same passage and the self-love denounced subsequently—the undue contempt which a man conjures up in himself through the workings

of self-love, for the ends of self-aggrandisement, or perhaps more frequently to stave off a feeling of humiliation and self-reproach. But without insisting upon this qualification there is to be found in the proposition, taken even in all the absoluteness of its terms, no error, but rather a peculiarity of sentiment proceeding from a rare constitution of mind, adapted to that constitution, and when enjoined upon men whose minds are similarly constituted, not enjoined amiss.

The same sentiments are not to be cultivated by all sorts of minds. The standard of right and wrong is not so ill adapted to human nature as to take no account of its idiosyncracies and to make all dispositions equally right or wrong in every frame and fabric of mind in which they are to be found throughout the infinite varieties of moral structure. There are men who are made to do more good by their just antipathies than by their sympathies, as there are others whose just sympathies are more available than their antipathies. There are also men whose admirable gifts of contemplation, whose clear intellectual insights, whose singular powers of communicating charitable thoughts, would be in part obscured and defeated by the admission of feelings alien to *their* natures, however necessary and wholesome as ordinary elements in the great compound of human society. These men are chosen instruments, and it is for them so to order their being as shall best conduce to the development and unimpeded operation of their excellent

gifts. They should therefore take into their hands the lyre alone, leaving in the hands of others, with due acknowledgment, nevertheless, of their use and necessity, the sword, the axe, and the halter. Accordingly, to whom is it that Mr. Wordsworth addresses his admonition?—

“IF thou be one whose heart the holy forms
Of young imagination have kept pure—”

It is one thus eminently endowed—one whose gift of imagination has filled his mind with pure and holy forms—that Mr. Wordsworth adjures to profit by this gift to its fullest extent, to cultivate the knowledge which leads to love, and not to desecrate *his* heart by the admission of a contemptuous feeling, even in respect of objects which may be not unworthily visited with contempt by others. *He*, searching for the explication of all that happens, and understanding through what impulses of nature or temptations of circumstance one man or another comes to be weak and vile; regarding all human acts or characters as natural phenomena, the materials of induction, and giving his mind duly in his vocation to the search for final causes and the working out of abstract results—he, the sage thus commissioned, must, for the purposes of this his comprehensive survey, look down upon human nature from an eminence and strive to raise himself above the influence of all vehement and disturbing passions. Even such of them as may work for good with men not absolved by the exercise of higher

functions from taking a part in the practical contests of life, must be regarded as of too temporal and secular a character to be entertained by him.

So much for the philosopher. As for the man who is no better than the *vulgus hominum*,—not only is he to be indulged in a pronounced indignation for what he knows to deserve it,—it may be well also that he should not be blamed for a moderate measure of silent dislike where no just ground can be recognized. For were he not, the result would probably be that he would apply himself to make out a *case* for dislike, which would be worse for both parties than a dislike which, though causeless, is quiescent. If

“Love converted from the thing it was
Shall reasons find of settled gravity,” *

so will causeless aversion if anticipating reproach. What is required for its absolution is that it should be wholly and scrupulously passive.

Closely connected with his repudiation of the harsher and more violent feelings of humankind, is Mr. Wordsworth's devotion to the beauty of the forms of external nature. This devotion affords to men of great excitability and a passionate sense of the beautiful, an escape from many dangers and disturbances. The appetite for the beautiful in such men *must* be fed, and human beauty is a diet which leads to excessive stimulation, frequent

* Shakespeare's Sonnets.

vicissitudes of feeling at all events, and in every probability to the excitement of bitter and turbulent passions. The love and admiration of nature leads *from* all these ; being in truth the safe outlet for every excess of sensibility. The pleasure so derived appears to be, of all human pleasures, the most exempt from correlative pain. It has no connexion of its own creating with any intemperance, sensual, sentimental, or intellectual. Moreover, he who has given away his heart to the beauty of nature rests in the quiet consciousness that his admiration is fixed upon a perdurable object ; and redeemed from that sense of the transitory which so often mixes perturbation with pleasure, there is perhaps no feeling of the human heart which, being so intense, is at the same time so composed as that to which admiration of the external forms of nature gives birth. It is for this reason, amongst others, that it is peculiarly favourable to the contemplations of a poetical philosopher, and eminently so to one like Mr. Wordsworth, in whose scheme of thought there is no feature more prominent than the doctrine that the intellect should be nourished by the feelings, and that the state of mind which bestows a "gift of genuine insight" is one of profound emotion as well as profound composure—

"Deep self-possession, an intense repose." *

The power which lies in the beauty of nature to induce this union of the tranquil and the vivid is de-

* Coleridge.

scribed, and to every disciple of Mr. Wordsworth has been as much as is possible imparted, by the celebrated 'Lines written in 1798, a few miles above Tintern Abbey,' in which the poet, having attributed to his intermediate recollections of the landscape then revisited a benign influence over many acts of daily life, describes thus the other particulars in which he is indebted to them :—

“Nor less I trust
To them I may have owed another gift
Of aspect more sublime ; that blessed mood
In which the burthen of the mystery,
In which the heavy and the weary weight
Of all this unintelligible world,
Is lightened :—that serene and blessed mood
In which the affections gently lead us on
Until, the breath of this corporeal frame
And even the motion of our human blood
Almost suspended, we are laid asleep
In body, and become a living soul :
While with an eye made quiet by the power
Of harmony, and the deep power of joy,
We see into the life of things.”

This impassioned love of nature is interfused through the whole of Mr. Wordsworth's system of thought, filling up all interstices, penetrating all recesses, colouring all media, supporting, associating, and giving coherency and mutual relevancy to it in all its parts. Though man is his subject, yet is man never presented to us divested of his relations with external nature. Man is the text, but there is always a running commentary of natural phenomena. In his great work, “the mind of man” is, as he announces, “the haunt and the main region of his song ;”

but the mind of man, as exhibited by Mr. Wordsworth, whatever else it may be, hardly ever fails to be the mirror of natural objects, and more or less the creature of their power.

The vivacity with which he is accustomed to apprehend this power of inanimate nature over the human mind has perhaps led him into a somewhat excessive use of the poetic license by which sensation is attributed to inanimate objects—the particular feeling which they excite in the spectator being ascribed to themselves as if they were sentient beings. Take for examples,—in the ‘Intimations of Immortality’—

“The moon doth with delight
Look round her when the heavens are bare”—

And in the same ode—

“Ye fountains, meadows, hills, and groves,
Think not of any severing of our loves—”

In ‘The Excursion’—

“Ocean and earth, the solid frame of earth,
And ocean’s liquid mass, beneath him lay
In gladness and deep joy.”

There is Scriptural authority for such language: “The little hills shall rejoice on every side . . . the valleys also shall stand so thick with corn that they shall laugh and sing.”* And when it is only an appeal to the imagination, analysis may very well be dispensed with. ✓

* Psalm lxxv.

But there are passages in Mr. Wordsworth's works which might lead to the supposition that this mode of expression was in some degree connected with his philosophic creed :—

“ And I have felt
A presence that disturbs me with the joy
Of elevated thoughts ; a sense sublime
Of something far more deeply interfused,
Whose dwelling is the light of setting suns,
And the round ocean and the living air,
And the blue sky, and in the mind of man ;
A motion and a spirit, that impels
All thinking things, all objects of all thought,
And rolls through all things.”

The only sense in which this and some similar passages can be reconciled with reason is, as representing inanimate objects to be the symbols or types of feelings the sentient seat of which is in their Creator. The evidences and results of a feeling may thus be said to pervade inanimate creation, and natural objects may be described as both the effect of a feeling in Him who created them and the cause of a feeling in those who behold them. The license by which they are represented as the *seat* of a feeling may kindle through the imagination a fervent and approximating sense of communion between the sentient source and the sentient vessel ; but the kindling must be by surprise, and the effect is lost by repetition.

If, however, there may be met with in Mr. Wordsworth's writings, passages which his love of nature has impressed

with some traces of inordinate desires, instigating the imagination to fictions of impossible fulfilments—desires for community of feeling and reciprocity of spiritual communication with things inanimate;—if in these some tokens may be detected of the “dizzy raptures” of which he speaks as having characterised his passion for nature in its earlier stages—let not this reduce the reader to the level of those critics who “take upon them to report of the course which *he* holds whom they are utterly unable to accompany,—confounded if he turn quick upon the wing, dismayed if he soar steadily ‘into the region.’” Let him not the less aspire to appreciate the aid afforded to Mr. Wordsworth’s philosophical meditations by that more sedate but not less deeply-seated love of nature,—that *wedded* love by which his works are more generally characterised,—to perceive in what manner the intellectual vision, cleared, by virtue of this love, from the obstructions of petty cares as well as turbid excitements, and yet stimulated to activity by the impulse of pleasurable emotion, is—

“Made quick to recognize
The moral properties and scope of things.”

Let him learn to perceive how the habit of contemplating natural objects in their causative character may not only make all nature seem to live in the eyes of the poet, but also qualify the philosopher to penetrate farther into the *passive* properties of living beings—their properties

not only as agents but as objects. As an example of this perspicacity, let him take note of the 'Old Cumberland Beggar.'

" The aged man

Had placed his staff across the broad smooth stone
That overlays the pile, and from a bag
All white with flour, the dole of village dames,
He drew his scraps and fragments, one by one,
And scanned them with a fixed and serious look
Of idle computation.

Him from my childhood have I known, and then
He was so old, he seems not older now.

He travels on, a solitary man ;

So helpless in appearance, that for him
The sauntering horseman throws not with a slack
And careless hand his alms upon the ground,
But stops, that he may safely lodge the coin
Within the old man's hat.

He travels on a solitary man ;

His age has no companion. On the ground

His eyes are turned, and as he moves along

They move along the ground ; and evermore,

Instead of common and habitual sight

Of fields with rural works, of hill and dale,

And the blue sky, one little span of earth

Is all his prospect. Thus, from day to day,

Bow-bent, his eyes for ever on the ground,

He plies his weary journey, seeing still,

And seldom knowing that he sees—some straw,

Some scattered leaf, or marks which, in one track,

The nails of cart or chariot wheel have left

Impressed on the white road, in the same line,

At distance still the same. Poor traveller !

His staff trails with him—scarcely do his feet

Disturb the summer dust ; he is so still

In look and motion, that the cottage curs,

Ere he have passed the door, will turn away,

Weary of barking at him. Boys and girls,
 The vacant and the busy, maids and youths,
 And urchins newly breeched—all pass him by :
 Him even the slow-paced waggon leaves behind."

It would be difficult to present to the imagination, with more curious distinctness, the picture of a human being whose uses upon earth were over. Such certainly would be the conclusion of an ordinary observer. A form of humanity it would be said—a shell or husk of a human being—than which nothing could be conceived more neutral, more nugatory. But the poet, if at a loss to assign any active uses to such an existence, can discover in it a rich endowment of passive attributes.

"Deem him not
 A burthen of the earth ! 'Tis Nature's law
 That none, the meanest of created things,
 Of forms created the most vile and brute,
 The dullest or most noxious, should exist
 Divorced from good—a spirit and pulse of good,
 A life and soul, to every mode of being
 Inseparably linked.

While thus he creeps
 From door to door, the villagers in him
 Behold a record which together binds
 Past deeds and offices of charity,
 Else unremembered ; and so keeps alive
 The kindly mood in hearts which lapse of years,
 And that half-wisdom half-experience gives,
 Make slow to feel, and by sure steps resign
 To selfishness and cold oblivious cares.
 Among the farms and solitary huts,
 Hamlets and thinly scattered villages,
 Where'er the aged beggar takes his rounds,

The mild necessity of use compels
 To acts of love ; and habit does the work
 Of reason ; yet prepares that after joy
 Which reason cherishes. And thus the soul
 By that sweet taste of pleasure unpursued
 Doth find herself insensibly disposed
 To virtue and true goodness.

* * * * *

“Then let him pass, a blessing on his head !
 And—while in that vast solitude to which
 The tide of things has borne him, he appears
 To breathe and live but for himself alone—
 Unblamed, uninjured, let him bear about
 The good which the benignant law of Heaven
 Has hung around him ; and, while life is his,
 Still let him prompt the unlettered villagers
 To tender offices and pensive thoughts.
 Then let him pass—a blessing on his head !”

It is such poems as these that forcibly recommend to us the tenet, that

“He who feels contempt
 For any living thing, has faculties
 Which He has never used.”

And it is by them that we are impressed with a sense of the dignity of that order of mind in which the contemplative faculty may be so justly called to an undivided predominance.

Never, indeed, was the mind of man imbued with a deeper sense of the dignity of his calling than that which pervades the writings of Mr. Wordsworth ; and

many are they who, though conscious that no such calling is theirs, that no such spirit has descended upon them, have nevertheless been filled by those writings with aspirations which lifted them as high as it was in their nature to rise above the level of ephemeral pursuits and unworthy ambition. The sanative influence of Mr. Wordsworth's poetry is felt—where such influence is most wanted—in natures of peculiar sensibility; and it applies itself to that which in those natures is commonly the peccant part. Gross corruption or demoralization is not ordinarily to be apprehended for such minds; but they are subject to be weakened, wasted, and degraded by the vanities and petty distractions of social life or by accesses of casual and futile amatory sentiment. The love of Mr. Wordsworth's poetry takes possession of such a mind like a virtuous passion, fortifying it against many selfish and many sentimental weaknesses, precluding trivial excitement, and coupling the indulgence (necessary in one way or another) of passionate feeling, with serious study, and as much of intellectual exercise as the understanding may happen to have strength to bear. To such a mind, conceiving greater things than it can take firm hold of, marking out for itself a loftier course of life than it has steadiness to pursue, and feeling itself dwarfed by the height of its own moral standard,—how often and with what an invigorating impulse will those passages recur, in which Mr. Wordsworth has invoked, with all plainness and gravity of style, but with an earnestness

not on that account the less impressive, the aid which is requisite to make the weak stand fast :—

“ If such theme
May sort with highest objects, then, dread Power,
Whose gracious favour is the primal source
Of all illumination, may my life
Express the image of a better time,
More wise desires, and simpler manners ; nurse
My heart in genuine freedom : all pure thoughts
Be with me,—so shall thy unfailing love
Guide, and support, and cheer me to the end ! ”

Who that, with the consciousness of a better birthright, has felt himself from time to time subjugated by the petty tyranny of circumstance, by idle sympathies and ignoble inducements, and suffered from the shame of it,—could not repeat those few words—

“ ——— nurse
My heart in genuine freedom—— ”

with the frequency of a daily prayer, and with such a hope to be heard as might well be inspired by finding himself, for the moment at least, a sharer in the fervency of the invocation? To these lights in the poetical hemisphere such an aspirant might look up, in seasons of pressure, as Wallenstein did to the star, the sight of which had so often “ shot strength into his heart.”

Of the nature of this genuine freedom, or freedom of the heart, in its several kinds, we have some further intimations in the ‘Ode to Duty.’ That poem points

first to the freedom of native innocence; a state in which, through some rare happiness of nature and friendliness of fortune, a human being may now and then be found, whose impulses scarcely need either direction or control, and to whom it is given to be thoughtlessly good :

“ There are who ask not if thine eye
Be on them ; who, in love and truth,
Where no misgiving is, rely
Upon the genial sense of youth :
Glad hearts ! without reproach or blot ;
Who do thy work and know it not.”

It is seldom, indeed, that the duties of life can be gone through with so loose a rein ; and when an instance does occur in which what is spontaneous is all-sufficient and continues so after early youth, it will almost always be found to be in the case of one whose scope of being is not naturally large. Wherever there is an abundance of human nature with its passions and powers, not only does self-government become necessary to check their exorbitancies, but thoughtfulness becomes a condition of a dutiful life, inasmuch as the qualities of such a being necessarily draw him into more complicated and pregnant relations with his fellow-creatures. Wherein, then, is to consist the freedom of *his* heart ? The answer is, in self-government upon a large scale,—in so ordering the circumstances of his life and determining the general direction in which his powers and feelings shall be cultivated, as may clear him from petty wrestlings with

his inclinations and from multiplied efforts and restraints, —in so dealing, that is, with his years and months, as shall impart a certain orderly liberty to his days and hours. It is thus that the virtue of the man may be assimilated to the free innocence of the child, and be invested with some of its charms ; and the man who has thus looked to the regulation of his mind in the main, may go on his way doing what he likes, inasmuch as he has first taken a security for liking what is good. Occasions will arise, no doubt, not unfrequently, in the manifold contingencies which life, howsoever ordered, must present, on which specific and extemporaneous self-government will be called for ; but no man will make the most of his better nature who does not so place himself in life, and so manage his mind, as to give free play to all his natural dispositions which are not evil, and to make his acts of virtue, where it is possible, enjoyments and not restraints. It is this *genial* virtue, falling back, when need is, upon severe virtue for support, that Mr. Wordsworth describes in the beautiful stanza following that which we last quoted from the ‘Ode to Duty :’—

“ Serene will be our days and bright,
And happy will our nature be,
When love is an unerring light,
And joy its own security.
And they a blissful course may hold
Even now, who, not unwisely bold,
Live in the spirit of this creed,
Yet find that other strength, according to their need.”

So much for Mr. Wordsworth's philosophy. In his narrative poems (with the exception of the 'White Doe of Rylstone'), his peculiarities in respect to subject, treatment and style, are perhaps even more strongly marked than in those parts of his works which are more directly philosophical. The story of 'Margaret,' in the first book of the 'Excursion,' and the series of stories in the sixth and seventh books, are prominent examples, and more conspicuous even than these, are the pastoral poem, entitled 'Michael,' and the story of the 'Female Vagrant.' The incidents related, if not actually matters of fact (which probably most of them were), are such as might have occurred just as easily and naturally as any of the real events of life which are heard of almost every day, in the sphere of life to which they belong. There is nothing romantic in them. The poet writes in the confidence of his power to impart interest to the realities of life, deriving both the confidence and the power from the deep interest which he feels in them. It is an attribute of unusual susceptibility of imagination to need no extraordinary provocatives; and when this is combined with intensity of observation and peculiar force of language, it is the high privilege of the poet so endowed to rest upon the common realities of life and to dispense with its anomalies,—leaving to less gifted writers the representation of strange fatalities and of "nature erring from itself."

Michael had received from his forefathers the in-

heritance of a piece of land near Grasmere in Cumberland, and his calling was to tend his flocks upon the mountains. The land had been burthened when it came to him, and it was not till he was forty years of age that, by continual vigilance and toil, he had cleared it of debt. His wife was twenty years younger than himself. They passed through middle age a solitary couple—

“Neither gay perhaps
Nor cheerful ; yet with objects and with hopes,
Living a life of eager industry,—”

and Michael was beginning to think himself an old man when a child was born to him. This only child became the object of his most devoted attachment and was brought up to his father's occupation till his eighteenth year, when Michael lost half what he was worth by the failure of a nephew for whom he was surety. He then made up his mind to send his son to a relation who was a tradesman in London, in order that there might be a prospect of retrieving through him the fortunes of the family ; the son went in great hope and with good dispositions ; but after he had been some time in London, he took to evil courses, and absconding from their consequences, sought an asylum beyond seas. In a few years the old man died ; his wife did not long survive him ; and their land passed into the hands of a stranger.

Such is the story of Michael ; and probably no poet

ever contented himself with what would be thought a tamer theme. It is worth while to inquire, therefore, by what singular power it is that Mr. Wordsworth has been enabled to carry this theme to the hearts of many thousands of readers. Simplicity of narration would clearly be insufficient of itself to produce such an effect. The *facts* are not enough. The human heart is not so tender or so easily touched as to respond feelingly to a simple communication of what happened to Michael. Any want of simplicity would at once destroy the effect; but simplicity the most Scriptural would not of itself suffice to produce it.

May it not be that the effect is in the first place to be ascribed to the reader's recognition of *power* in the mind of the writer. Facts which would not interest him otherwise are made to do so by the consciousness that they have interested a powerful mind. He is interested in perceiving the effect of them upon that mind, and his sympathies with the powerful are brought in aid of his sympathies with the pathetic. The *language* of the poet, therefore, as the symbol of his power, contributes mainly to the effect.

There are many readers who would in vain search the language of Mr. Wordsworth for tokens of this power—many to whom, in such narratives as 'Michael,' his language would be a dead letter as well as his theme. There are many also to whom the language of David in his lamentation over the death of Absalom would be a

dead letter, were it not in the Bible that they read it. To such readers violence is power ; abrupt and startling ejaculations, or extravagant figures of speech, constitute the language of passion. Mr. Wordsworth's language addresses itself to other ears—to the ears of those who feel that truthfulness of language gives force, and that habits of just and exact thinking give truthfulness ; to the ears of those who understand the strength which lies in moderation, where thought is to be conveyed—or where feelings are the subject, the enthusiasm which lies in the language of reserve.

Next to the sense of power, as betokened by language, which Mr. Wordsworth's narratives convey, may be adduced as principally contributing to their influence over the imagination, the minute familiarity which they evince with the modes of life represented in them and with the feelings belonging to those modes of life. It is only through sympathy that such familiarity can be acquired ; and that which is begotten by sympathy begets it. Mr. Wordsworth's mind, being not only poetical and philosophical but, in its observant faculties, practical, becomes readily conversant with the affairs and pursuits of men in every sphere and sees into their daily life. In treating of the lower classes, where the range of objects is necessarily narrow, whilst this very limitation tends to direct the feelings upon them with a concentrated force, he not only deals with the natural affections of the shepherd or the ploughman, but also concerns himself

with their application of such intellectual gifts as they possess to such ends as lie within their reach ; he understands the pleasure and pride attaching to skill in their craft ; he enters into the spirit of their ordinary occupations, of their dealings for the lucre of gain,—into the cares of their poverty and the interests of their thrift. Mr. Wordsworth is, in truth, one of those rare individuals who, being best placed where he is in life, would not however have been misplaced in any situation whatever. For whilst he is endowed with the highest intellectual powers in the largest measure, he is not wanting in the inferior faculties ; and thus, let his fancy transport him amongst what order of mankind she may, he can make himself at home amongst them, understand their predicament, partake their life : and let his fancy recommend to him for particular representation whatever individuals may please her best, he can bid the guests welcome, and afford them cordial entertainment, until they become, as it were, domesticated in his mind.

To return to ‘Michael,’ the interests and pursuits of the Shepherd are described in that poem, as well as the affections of the Father :—

“ His mind was keen,
Intense, and frugal, apt for all affairs,
And in his shepherd’s calling he was prompt
And watchful more than ordinary men.
Hence had he learned the meaning of all winds,
Of blasts of every tone ; and oftentimes,
When others heeded not, he heard the south

Make subterraneous music, like the noise
 Of bagpipers on distant Highland hills.
 The shepherd, at such warning, of his flock
 Bethought him, and to himself would say,
 'The winds are now devising work for me.'
 And, truly, at all times, the storm that drives
 The traveller to a shelter, summoned him
 Up to the mountains : he had been alone
 Amid the heart of many thousand mists
 That came to him and left him on the heights.
 So lived he till his eightieth year was passed."

Such was the Shepherd: let us now pass to the portraiture
 of the Father :—

"Thus living on through such a length of years,
 The shepherd, if he loved himself, must needs
 Have loved his helpmate. But to Michael's heart
 This son of his old age was yet more dear ;
 Less from instinctive tenderness, the same
 Blind spirit which is in the blood of all,
 Than that a child, more than all other gifts,
 Brings hope with it and forward-looking thoughts,
 And stirrings of inquietude, when they
 By tendency of nature needs must fail.
 Exceeding was the love he bare to him,
 His heart and his heart's joy !"

Then comes the account of the disaster which befel
 Michael in the loss of half his substance, which reduced
 him to the alternative of sending his son to London or
 of parting with the land which had descended to him
 from his ancestors. Those who are acquainted with the
 yeomanry of the North of England know how peculiarly
 powerful are their feelings of local attachment and their
 love of their small landed inheritances. In that singular

production called 'The Doctor, etc.'* (a book which, with all its wanton absurdities, is rich beyond almost any other of the time in the best knowledge and the most beautiful literature), it is well observed, that "to have held these small patrimonies unimpaired, as well as unenlarged, through so many generations, implies more contentment, more happiness, and a more uniform course of steadiness and good conduct, than could be found in the proudest genealogies." Under the influence of these local and proprietary feelings (which, on this side the Border, have now lost their hold on all but the secluded mountaineers of Cumberland and Westmoreland), the shepherd-yeoman resolved upon the alternative of sending his son forth to seek his fortune. Near a brook, in the depth of the valley, Michael had gathered together a heap of loose stones, with the intention of building a sheepfold there. Thither he took his son on the eve of his departure, and desired him to lay the first stone of the sheepfold, that it might be a covenant between them :—

"This was a work for us ; and now, my son,
It is a work for me. But lay one stone—
Here, lay it for me, Luke, with thine own hands.
Nay, boy, be of good hope ; we both may live
To see a better day. At eighty-four
I still am strong and hale ; do thou thy part ;
I will do mine. I will begin again

* Anonymous in 1834, but since known to have been written by Southey.

With many tasks that were resigned to thee :
Up to the heights and in among the storms
Will I without thee go again, and do
All works which I was wont to do alone,
Before I knew thy face."

Accordingly, when his son was gone, the old shepherd resumed his duties manfully, and from time to time worked at the building of the sheepfold ; and he was cheered for some time by loving letters from the boy and by satisfactory tidings of his conduct. But at length came accounts of an opposite tenor—that he had given himself up to dissolute courses, that ignominy and shame had fallen upon him, and, finally, that he had been driven to seek a hiding-place beyond the seas :—

"There is a comfort in the strength of love ;
'Twill make a thing endurable, which else
Would overset the brain or break the heart.
I have conversed with more than one who well
Remember the old man, and what he was
Years after he had heard this heavy news.
His bodily frame had been from youth to age
Of an unusual strength. Among the rocks
He went, and still looked up to sun and cloud,
And listened to the wind ; and, as before,
Performed all kinds of labour for his sheep,
And for the land his small inheritance.
And to that hollow dell from time to time
Did he repair, to build the fold of which
His flock had need. 'Tis not forgotten yet
The pity which was then in every heart
For the old man ; and 'tis believed by all
That many and many a day he thither went,
And never lifted up a single stone."

It is in old age and in childhood that our rustic fellow-creatures are brought before us in the forms in which they are most likely to meet with sympathy. At other ages their coarseness of aspect, except in occasional instances where an inherent refinement or an inborn beauty has triumphed over circumstances, has an effect which is far more unfavourable than it ought to be to the interest we take in them. But in old age what may have been repulsive has been worn away; and as to childhood, it has its attractions in every sphere. It may not have been therefore without due consideration that Michael is presented to us as an aged man; and in the other poem of rustic life which has met with most admiration,—‘The Female Vagrant,’ we first became acquainted with the subject of it as a child. This poem, being in rhymed stanzas, did not admit of as much narrative detail as ‘Michael,’ but the art with which it is constructed is equally consummate; and whilst we are borne along by the “liquid lapse” of the verse, sliding on with a smooth and solid melody like a swollen river, care is taken that there shall be no points, no prominences, nothing which shall *arrest* attention and exact admiration for parts to the injury of the rest,—of the whole; no fractional effects.

It is time to conclude, and ‘The Excursion’ has not been approached. This poem does indeed, though first in importance, come last in order in the study of Mr. Wordsworth’s works; for it will not be fully appreciated unless the reader be first imbued with the spirit in which

all that he writes is written. Those who are accustomed to look for a mantling and sparkling of poetic effervescence in every page and line of every poem they read, will find that in 'The Excursion' they have many disappointments to get over. Such persons would point, perhaps, to particular passages and ask—Where is the poetry in this or that? The answer should be, that this or that neither is, is meant to be, nor in any reasonable apprehension ought to be, poetical. In a poem upon so large a scale every genuine poet is aware that some parts should be bordering upon prose, if not prosaic. Were it to be all the essence of poetry, let it be in other respects what it might, who could read ten pages of it together? Rise and fall, ebb and flow, light and shade,—moor-land and meadow and garden ground,—will be measured out in due proportions by any one who shall attain the breadth of conception necessary to the composition of a great poem;—the green leaf, the red berry, and the bare bough, each in its season.

Such an artist will also know that it behoves him to apply himself from time to time to manage his transitions, and *transact the business* of his poem; whereas, one who should aim at being always poetical would fall into the same error which beset the clowns rebuked by Hamlet, who insisted upon being always witty; "though in the meantime some necessary question of the play were then to be considered." Mr. Wordsworth, in his great work, copiously poetical as he is, uses his stores with a

measured plenty, after the manner of a sea-captain bound upon a long voyage, who, if he has no fears for the exhaustion of his resources, must yet look to the proper feeding of his crew, well knowing that their health and alacrity depends upon it, and that it were better their diet should be occasionally as dry as "the remainder biscuit," than that they should be heated and gorged.

In the versification, too, there is nothing to satiate : there is a free and copious variety, but only occasionally a marked melody. For an ear which knows of no other rhythmical music than the unqualified up and down movement of trochees and iambs, or the canter of anapæsts, the "numerous verse" of the 'Excursion' will have been modulated in vain. The uncultivated ear is always best pleased with that which to the ear of the adept is too palpable to be pleasing except when sparingly mixed with other effects and much modified by them. It once happened that a Sandwich Island prince who was in this country, was present at a Royal entertainment at which the band from one of the regiments of Guards performed some very scientific and composite pieces of music ; the Sandwich Islander was observed to listen intently, and being asked by one of the company whether he was pleased with the music, he answered that he had been greatly delighted with the *drum*. In like manner, to the ear of youth or of age uninstructed, a pleasure will be conveyed by "the very

false gallop of verses," merely because it is the only effect of versification which they can understand ; whilst such a variegated intermixture as 'The Excursion' presents would be wholly lost upon them.

Lost, indeed, to a degree which will be long remarkable in the history of English literature, was that whole poem—both matter and music—for scarcely less than a quarter of a century ! and lost upon critical ears (so called for courtesy) as well as upon those of "the reading public,"—which, indeed, did no other upon the occasion than, *more suo*, believe as it was taught. The Touchstones of the day were of opinion that "though there was no great matter in the ditty, yet the note was very untuneable ;" and such, therefore, was the opinion of the tractable multitude. The manner in which such judgments have gradually given way and finally disappeared, it is anything but uninteresting to observe. It is, indeed, not only instructive, but edifying, to observe the manner in which the great poet has risen into fame, whilst the small critics have dwindled into insignificance ;—the manner in which the witty worldlings of twenty or thirty years ago,—those who made mouths at him in the days of his unpopularity, dealing about their petty acutenesses and exulting in the power to sting,—would now be glad to have it supposed that they knew all the while that they were assailing a great man, but that ridicule, forsooth, being their high vocation, they made it a point to laugh at everything, where they could get the world to laugh

with them. These matters, we say, are not unworthy of regard, as exemplifying the different forms which ambition assumes in different orders of mankind.

Mr. Landor, who in his 'Imaginary Conversations' has addressed some forcible admonitions to hasty aspirants in literature,—those who are ambitious of an early fame,—has described, in characteristic language, the progress of literary reputation :—

“Thus it is with writers who are to have a currency through ages. In the beginning they are confounded with most others ; soon they fall into some secondary class ; next into one rather less obscure and humble ; by degrees they are liberated from the dross and lumber that hamper them ; and being once above the heads of contemporaries, rise slowly and waveringly, then regularly and erectly, then rapidly and majestically, till the vision strains and aches as it pursues them in their ethereal elevation.” *

Mr. Wordsworth, whether or not he was ambitious of an early fame, has lived and written with an unalterable devotedness to the interests of that fame in the account of which the mere contemporary beginnings,—the question of half a century sooner or later,—are as nothing. He has so lived and written, all manner of sarcasm and mockery notwithstanding. It is not easy to conceive a strength of mind more exemplary than that which could enable him, not only to fortify himself against these

* Second Series, vol. ii. p. 7.

assaults, but to withstand the temptation of seeking that popularity which doubtless lay at his immediate command, could he have been seduced into the misapplication of his powers to that end. The manner in which a spirit of religious self-sacrifice—in this life as it were—was inspired by what may be called his worship of his art, may be more or less collected from the sonnet addressed to Mr. Haydon, the painter :—

“ High is our calling, Friend !—Creative art
 (Whether the instrument of words she use,
 Or pencil pregnant with ethereal hues)
 Demands the service of a mind and heart,
 Though sensitive, yet in their weakest part
 Heroically fashioned—to infuse
 Faith in the whispers of the lonely muse,
 While the whole world seems adverse to desert,
 And oh ! when Nature sinks, as oft she may,
 Through long-lived pressure of obscure distress,
 Still to be strenuous for the bright reward,
 And in the soul admit of no decay,
 Brook no continuance of weak-mindedness—
 Great is the glory, for the strife is hard ! ”

We have spoken of his worship of his art as inspiring this fortitude; but it is also to be attributed to his worship of Nature; and here again we may quote his own authority :—

“ ’Tis her privilege,
 Through all the years of this our life, to lead
 From joy to joy; for she can so inform
 The mind that is within us, so impress
 With quietness and beauty, and so feed
 With lofty thoughts, *that neither evil tongues,
 Rash judgments, nor the sneers of selfish men,*

Nor greetings where no kindness is, nor all
The dreary intercourse of daily life,
Shall e'er prevail against us, or disturb
Our cheerful faith, that all which we behold
Is full of blessings."

The passages in Mr. Wordsworth's works (few and far between) wherein, as in these, he has alluded to the difficulties which he has had to encounter, will be read in after-times with the same sort of interest which attaches to those portions of the writings of the great poets before him which cast a light upon the story of their lives and betoken the feelings with which they have read that story to themselves. Perhaps none of these have had cause for so much satisfaction with the tenor of their lives, so far as it was in their own choice and direction, as Mr. Wordsworth has a right to feel: for which of them has so steadfastly kept faith with the mistress whom he served? Milton, when he complained—or rather let us say, stated without condescending to the language of complaint—that he had fallen upon evil days and evil tongues, could not speak it with the consciousness that he had himself sought peace and ensued it—that his own tongue had been at all times innocuously employed—or that he had not, for too considerable a portion of his life, repudiated his better mind, and yielded himself to the angry impulses of political controversy. Shakspeare, in one of those sonnets which have so perplexed his biographers, reproaches Fortune and himself in a strain which shows how painfully conscious he was that he had

lived unworthily of his doubly immortal spirit. Mr. Wordsworth has no such cause as Shakespeare had to "chide with Fortune;" neither has he, like Milton, "fallen upon evil days," or at least mixed himself, more than was wise and necessary, with the evil of the days upon which he has fallen.

These allusions to the personal history of Mr. Wordsworth are not irrelevant, because it is by no means unimportant to a poet's readers to reflect how far he has lived up to the sentiments which he expresses. Moreover the poetry of Mr. Wordsworth, permeating, as it does, the mind, modes of thinking, and character of those who admire it, constitutes something in the nature of a personal tie between him and them, and thereby renders some reference to his life and character not unfittingly introduced into a criticism upon his works. Our relations with the poets whom we most admire are, indeed, of a more intimate character than almost any others which can exist between strangers; and there is assuredly no poet now living whose connexion with his readers bears a stronger analogy to the best and most durable of our personal friendships. Many attachments taken up in early life and which are warm and pleasant while they last, drop off and are left behind us in the necessary course of things; but there are others which not only grow with our growth and strengthen with our strength, but are also bound up with us in our decay. Mr. Wordsworth's poetry is endowed with a beauty which does not,

like the toys and gauds of meretricious verse, grow dim to the eyes of age ; but such as it is to us in our youth, it remains whilst life and intelligence remain,—extending its influence in proportion as we advance in years and seek to substitute for naturally declining excitabilities the sense of dignity and power, of solid intellectual aggrandisement and moral purification.

ESSAY ON MR. WORDSWORTH'S SONNETS.

(*First published in 1841.*)



IN the previous essay—one of no great length—the subject was Mr. Wordsworth's poetry at large. It may be possible, within like limits, to do more justice to a part than was then done to the whole. Not that justice can be done to a part of Mr. Wordsworth's, or of any great writer's works, without having *reference* to the whole. Every portion of such a writer's works has a value beyond its intrinsic worth, as being part and lot of a great mind and having correlations with every other part; and whether it be from the unity of spirit which is commonly found to pervade the works of a great writer, whatever may be his variety of manner, or whether it be that there is nothing he has written but must tell us something of his mind (for even his commonplace remarks will tell us that upon occasion he was willing to be commonplace), it is certainly the attribute of such writers to give the

coherency of one interest to everything that proceeds from them ; and Mr. Wordsworth's Sonnets should never be otherwise studied than as parcel of that great body of doctrine and moral sentiment which constitutes his mind extant in his works.

Of the many styles in which he has written, those of the Sonnets and of 'The Excursion,' may be regarded as the farthest apart ; 'The Excursion' being the most remarkable of his writings for breadth of style, the Sonnets for compactness. In a long philosophical poem which must necessarily tax the powers of attention, a current and almost colloquial manner was best fitted to keep the reader at ease ; and a continued terseness of diction and condensation of thought, though apparently abridging his labours, in reality would have cost him more than it saved him. That the whole should be flowingly connected, so as to be borne in upon the mind with the weight of one stream, was more for the interests of the subject than that pointed and striking passages should often occur. It was also perhaps expedient that the substance of what was to be said in 'The Excursion' should be supported by its own solidity and truth, and that it should be recommended by the natural eloquence of a fervid mind delivering itself of what is strongly felt, rather than by any frequency of fanciful embellishment, or, as regards the rhythm, by any marked and salient melodies. These things were not to be excluded ; but they were to come as they might happen to present

themselves to a mind somewhat pre-occupied—they were to be merely occasional and incidental. The Sonnets, ✓ on the contrary, address the reader, each claiming to be considered for itself and by itself; and though not irrespectively of its kindred with other works the issue of the same mind, yet distinctively as a substantive poem. And for this kind of poem the style required was the very opposite of that employed in 'The Excursion.' The artist was now to lay aside the implements of the architect ✓ and assume those of the sculptor. The form was one which fell in less with the natural fluency of the poet. ✓ Mr. Wordsworth's genius inclined naturally to an easy abundance both of thoughts and words; but art was to predominate over this inclination wheresoever it was not fit to be indulged; and the poetic mind which had been diffused widely with an easy fluctuation through 'The Excursion,' though not changing its nature and spirit, was to take a different structure—was to be inspissated as it were, and form itself into crystals in the Sonnets.

Yet bright and ornate as many of them are, there is in them, no less than in his other works, an invariable abstinence from antitheses and false effects. There is hardly one of these three or four hundred Sonnets* which ✓ ends in a point. Pointed lines will sometimes occur in the course of them, as thought will sometimes naturally take a pointed shape in the mind; but whether it takes that shape or another is obviously treated as a matter of

* *i.e.*, those which had been published before 1841.

indifference ; nothing is sacrificed to it ; and at the close of the sonnet, where the adventitious effect of the point might be apt to outshine the intrinsic value of the subject, it seems to have been studiously avoided. Mr. Wordsworth's sonnet never goes off, as it were, with a clap or repercussion at the close ; but is thrown up like a rocket, breaks into light, and falls in a soft shower of brightness. To none, indeed, of the minor forms of poetry are Mr. Wordsworth's powers in some respects better adapted ; there is none to which discrimination in thought and aptitude in language are more essential ; and there never was a poet who reached so near to perfection in these particulars as he. That sonnet may be instanced which, standing at the head of the second part of the miscellaneous series, presents to us, as it were a picture-gallery of his predecessors in this walk of the art :—

“ Scorn not the Sonnet ; Critic, you have frowned,
 Mindless of its just honours ; with this key
 Shakespeare unlocked his heart ; the melody
 Of this small lute gave ease to Petrarch's wound ;
 A thousand times this pipe did Tasso sound ;
 With it Camöens soothed an exile's grief ;
 The Sonnet glittered a gay myrtle-leaf
 Amid the cypress with which Dante crowned
 His visionary brow ; a glow-worm lamp,
 It cheered mild Spenser, called from Fairy-land
 To struggle through dark ways ; and when a damp
 Fell round the path of Milton, in his hand
 The thing became a trumpet, whence he blew
 Soul-animating strains—alas, too few ! ”

When have poetry and criticism mingled more genially

than in these fourteen lines of rapid retrospect, into which, without any apparent labour of compression, how much is compressed ! What ease, gracefulness, and variety attend the procession of the verse ; and after rising in animation, with what a gentle fall does it die away upon the ear at the close ! This is the “*clausula aut cadentia*,”—the “*ars placidè elabendi*,” which was anciently so much esteemed in the science of music.

And if in a sonnet in which so much is condensed the condensation occasions no obscurity—historical allusion, sentiment, imagery, exquisite music, distinctive portraiture, all finding a place and nothing crowded—it may be regarded as a fit introduction to the other sonnet upon Sonnets, which deals with some abstruser thoughts ; and those who complain of obscurity in the one may be requested to bear in mind the clearness of language in the other, and to ask themselves whether, if any difficulty occurs, it may not be owing to the subject-matter rather than to the treatment :—

“Nuns fret not at their convent’s narrow room
And hermits are contented with their cells ;
And students with their pensive citadels :
Maids at the wheel, the weaver at his loom,
Sit blithe and happy ; bees that soar for bloom
High as the highest peak of Furness-fells
Will murmur by the hour in foxglove bells :
In truth, the prison unto which we doom
Ourselves, no prison is : and hence to me,
In sundry moods, ’twas pastime to be bound

Within the sonnet's scanty plot of ground :
Pleased if some souls (for such there needs must be)
Who have felt the weight of too much liberty,
Should find brief solace there, as I have found."

This is one of those doctrinal poems, abounding in Mr. Wordsworth's works, which some persons complain that they cannot understand, having read them probably as rapidly as they would read any erotic effusion of any glowing gentleman who writes verses. Taking more time than such readers have to spare, and more space than is permitted to a sonnet, it will not be difficult to evolve the doctrine. First it is suggested that no enlargement of a man's liberty of action can take place without a corresponding aggravation of his moral responsibility, and that there must needs be some souls which "feel the weight of too much liberty,"—such, that is, whose liberty of action is disproportionate to their strength of judgment or of self-control, and must therefore either oppress their conscience, or vex them with the perplexities of an undetermined choice or the consequences of an ungoverned will. Many, indeed, are they who feel in one way or another this "weight of too much liberty." The youth who is free to choose a profession has a liberty disproportionate to his knowledge and experience, which is a burthen. The heiress who is free to choose amongst many suitors, finds the difficulty of selection insuperable, and though perhaps any one of them might have been better than no husband, she

lives and dies unmarried. The child who knows that obedience will not be enforced upon him, is too free for contentment : and the man who is too absolutely his own master, will find that he has got a troublesome servant. "Heaven bless thee from a tutor and discipline come not near thee !" was a deep imprecation, though put into the mouth of the common railer Thersites. For Shakespeare would often speak his deepest truths in his lightest moods. And by another and a graver poetical moralist, Obedience has been personified in the groom of the chambers who puts the Red-Cross Knight to bed when he is tired :—

"Then called she a groom that forth him led
 Into a goodly lodge, and 'gan despoil
 Of puissant arms, and laid in easy bed :
 His name was meek OBEDIENCE rightfully ared." *

Again there is an application of the principle to a wider field by one who was not much of a moralist certainly, but a shrewd politician. Machiavelli, in dealing with questions of Colonization, regards it as doubtful whether the most fruitful regions should be chosen :—
 "Perchè gli uomini operano o per necessità o per elettione, e perchè si vede quivi essere maggiore virtù dove la elettione ha meno autorità, è da considerare se sarebbe meglio eleggere per la edificatione delle cittadi luoghi sterili acciòche gli uomini constretti industriarsi, &c." Assuming then that only so much liberty as can

* 'Fairy Queen,' i. x. 17.

be steadily guided and readily subjected to the law of conscience, will conduce to our ease, the second conclusion to be drawn from the sonnet is, that in parting with any excess of liberty beyond this quantum, our contentment is best secured when this is done spontaneously, and we are ourselves the choosers of the yoke to which we will submit:—

“In truth, the prison unto which we doom
Ourselves, no prison is”—

For to have felt the weight of too much liberty is one assurance that we shall be contented with restraint, and when the choice of the species and quantum of restraint has been our own, we would be accusing ourselves if we should quarrel with it. This is the case of the nun, the hermit, and the student. But thirdly, there is noticed the case of those who have never felt the weight of too much liberty, and who have been spared the perplexities of choice by a necessity of circumstances born with them and rendering the restraint which it imposes easy because habitual—

“Maids at the wheel, the weaver at his loom.”

And this restraint by habit and necessity comes nearest in contentment to—fourthly, restraint by instinct,—that of the bees which

“Murmur by the hour in foxglove bells.”

Such, then, are the views of moral restraint indicated in this poem: and the drift of it is to bring this species of restraint into a comparison mutually illustrative with the restraint imposed by the laws of the sonnet upon an exuberant and discursive imagination. As of the moral will, so of the intellect: as in life, so in art. The law to which the sonneteer submits himself, substitutes the restraint of a mechanical limitation for restraint by effort of the judgment; and the "steed of the pen," to borrow from a Persian metaphor, is enclosed, and cannot "get loose upon the plain of prolixity." The fence is, to a certain extent, a substitute for the bridle.

There are some passages in Mr. Wordsworth's other works, which have a bearing upon the same doctrine.

In the ode entitled 'The Pass of Kirkstone,' the poet, having by a toilsome ascent and somewhat against his inclination reached that pass, describes the scene which presents itself and addresses the road by which he had gained the summit of the mountain:—

"Aspiring road! that lov'st to hide
Thy daring in a vapoury bourn,
Not seldom may the hour return
When thou shalt be my guide;
And I (as all men may find cause
When life is at a weary pause
And they have panted up the hill
Of duty with reluctant will)
Be thankful, even tho' tired and faint,
For the rich bounties of constraint;
Whence oft invigorating transports flow
That choice lack'd courage to bestow!"

In other poems Mr. Wordsworth seems to have had in view the difficult question, whether there may not be some individuals to whom, by a rare purity of moral constitution, Nature herself may afford a restraint adequate for the government of a life led under the influence of natural objects and a natural piety :—

“ Three years she grew in sun and shower ;
Then Nature said, ‘ A lovelier flower
On earth was never sown ;
This child I to myself will take ;
She shall be mine, and I will make
A lady of my own.

Myself will to my darling be
Both law and impulse : and with me
The girl, in rock and plain,
In earth and heaven, in glade and bower,
Shall feel an overseeing power,
To kindle or restrain.’ ”

In the ‘ Ode to Duty ’ again, he speaks in the same sense as in the sonnet—

“ Me this unchartered freedom tires,
I feel the weight of chance desires.”

But the spirit of a moral liberty as growing out of the spirit of duty or tempered by it, is, in truth, the subject of the whole of this ode, which should always be read in connection with the sonnet.

“ Is Mr. Wordsworth, then,” it may be asked, “ so prone to repeat himself ? ” Undoubtedly he is ; and it

may be added that self-repetition is almost invariably incident to men of genius, and constitutes a great element of their power. The difference between such men and others is, not only in the importance of the truths which occur to them, but in the impression which a truth makes. A great truth, coming into the mind of a great man, lives with him from that time forth, mixes itself with his thoughts in all moods of his mind, reproduces itself in many combinations, passes from him in sundry shapes; and according as his own mind is multi-form and cognizant of many varieties of mind and mood in others, this truth, proceeding from it thus repeatedly and variously, finds access to one reader in the shape of a passage in an ethical poem, to another in that of a sonnet—to one in a form in which he can comprehend it in its entire scope and extent; to another, or to the same in another mood, in a form in which he can remember and quote it. The same truth may have entered a thousand minds before; but the ordinary mind grew tired of it and dismissed it, whilst to the other its value as a truth is more than its novelty as a thought, and gives it an eternal freshness. Those who have had the good fortune to have listened to the conversation of most of the great writers of the present age, will have observed that they all repeated themselves more than other men; and that this did in no respect detract from the interest of their discourse, but rather enhanced it; as what recurred often was what was best worth dwelling

upon. It is true that an opposite effect may sometimes be produced ; and Mr. Wordsworth, when in conversation he said what he was not sure that those to whom he spoke might not have heard from him before, would often introduce the phrase or sentiment by the words,—“ I have been accustomed to say—” and thus, by renouncing the claim of novelty, anticipate and disarm the sort of derogatory reception the repetition might have experienced from some persons who might be impatient of hearing twice what they were perhaps not worthy of having heard at all.

If, as we have seen, Mr. Wordsworth insists much upon self-government as the condition of moral freedom, not less sedulous is he to inculcate that the control of the passions is indispensable to freedom of the intellect and imagination ; and on that ground he rests the following exhortation to temperance in grief :—

“ From the dark chambers of dejection freed,
Spurning the unprofitable yoke of care,
Rise, GILLIES, rise : the gales of youth shall bear
Thy genius forward like a winged steed.
Though bold Bellerophon (so Jove decreed
In wrath) fell headlong from the fields of air,
Yet a rich guerdon waits on minds that dare,
If aught be in them of immortal seed
And reason govern that audacious flight
Which heavenward they direct.—Then droop not thou,
Erroneously renewing a sad vow
In the low dell 'mid Roslin's faded grove :
A cheerful life is what the Muses love,
A soaring spirit is their prime delight.”

To a mind of high intellectual aspirations, there is perhaps no earthly motive for conquering a sorrow so likely to be effective as that which is here suggested ; for though earthly, it is not worldly ; on the contrary, it harmonizes with a state of the feelings in which worldly pursuits are set aside. A belief the opposite of that expressed in the last two lines, was almost universal in the zenith of Lord Byron's reputation and is still somewhat prevalent, that a melancholy temperament is favourable to poetic genius ; a belief from which the practical consequence followed that in our time, as in the days of Prince Arthur—

“ Young gentlemen would be as sad as night
Only for wantonness.”

It is not to be denied that a poetical mind will have its melancholy moods and seasons ; and it may even be admitted that a pensive melancholy, as an occasional mood, will be more frequent with such a mind than with others. In these very Sonnets of Mr. Wordsworth's there is a strain of melancholy feeling to be met with in many a page : but Mr. Wordsworth's melancholy is not that of a languid self-occupied recluse ; it is a melancholy which alternates with the spirit of enjoyment, and carries with it the spirit of consolation, and is penetrating and rational,—“a melancholy compounded of many simples and the sundry contemplation of his travels.” We speak *of* Mr. Wordsworth, therefore, as well as with

him, when we say that a mind which is strong and elastic in its general texture is as propitious to the highest order of poetic genius as to any other agency which is to be powerful over mankind. The reveries of a fantastic sadness or of a gloomy seclusion can yield but a meagre product in poetry, as compared with the meditations of a mind which is not only contemplative but vigorous and buoyant, and above all, active in its social sympathies. It is true that nothing can be more unpoetical than a strong and vivacious spirit which is also hard and selfish ; and it may be true that this is a common combination : but it is the *uncommon* combination of great susceptibility and tenderness with not less of strength and vivacity, which makes the truly poetical temperament. And in regard to sympathy with suffering, though it is often supposed to belong more peculiarly to those who suffer in themselves, yet we are to distinguish between the occasional sufferings of a strong spirit bending but not broken, and the absolute subjection of the mind to suffering as a permanent state. In the former case the recollection of past sufferings is keen enough to quicken the sympathies, whilst there is nothing to abate the courage or the genial freshness of the heart. In the latter, after the suffering has been for a long time unmixed and unintermitting, there will be hardly anything left alive in the heart except the desire to escape from pain ; and if the sympathy with pain be not deadened (which it probably will be in the general

prostration and self-involvement of the feelings), then there will be the desire to escape from that also. And here we may learn from the 'Excursion'—

“ Unoccupied by sorrow of its own,
His heart lay open ; and by Nature tuned
And constant disposition of his thoughts
To sympathy with man, he was alive
To all that was enjoyed where'er he went,
And all that was endured ; for in himself
Happy, and quiet in his cheerfulness,
He had no painful pressure from without
That made him turn aside from wretchedness
With coward fears. He could *afford* to suffer
With those whom he saw suffer. Hence it came
That in our best experience he was rich
And in the wisdom of our daily life.”

Thus, to resume the sonnet, it is not from grief that the poet's friend is exhorted to free himself,—not from grief the natural tribute to calamity,—but from dejection and darkness, and, as their necessary consequent, “the unprofitable yoke of care.” For let no man suppose that he can surrender himself to an undue and interminable sorrow without becoming the slave of petty, fretful, miserable cares. To put on perpetual mourning is to put on the livery of a very abject servitude. And again, the exhortation is addressed, not to one who was subjugated by some constitutional weakness or malady conspiring with circumstances to make sorrow immediate—for to such a man exhortation would be addressed in vain—but to one whose despondency was

in some measure wilful,—a mistaken man who was voluntarily devoting himself to sorrow and whom to enlighten might be to reanimate ; for that such was the case in question is clearly intimated in those two lines (so exquisitely musical) which precede the close of the sonnet—

“ Droop not thou,
Erroneously renewing a sad vow
In the low dell 'mid Roslin's faded grove.”

The principal aim of the sonnet having been this exhortation to the exercise of intellectual powers, the rewards and conditions of true genius are noticed incidentally. The rewards are promised to “minds that dare :” but the courage is not to be that of temperament—for such courage is rash and presumptuous, and can expect only the rebuke of Bellerophon who fell headlong. It is to be a courage founded in faith and fortified by the judgment—intellectual, spiritual, reasonable—such as shall be attendant upon endeavours directed towards the highest objects : for when is it that a rich guerdon waits on minds that dare?—Only

“ If aught be in them of immortal seed,
And reason govern that audacious flight
Which heavenward they direct.”

It is to the intrepidity of high and sacred thoughts and a genuine inspiration that rewards are promised, and amongst them that restoration for an afflicted spirit which is not to be found in permanent seclusion, but

only in the consecrating of active life to nobler purposes. And how much more is to be expected from an appeal like this, than from the exhortations to patience and fortitude which are so often employed with so little effect !

“Consolatories writ
With studied argument
Extolling patience as the truest fortitude” *

do not produce the patience they extol, precisely because they extol it to this false extent. For excellent and commendable though it be, there are few cases of affliction in which, so soon as the earliest stage is past, something better than patience may not be looked to with better hope, and patience be met with by the way. Active energies, high aspirations must be awakened ; the resiliency of the heart must be called upon rather than its passive strength ;—and oftentimes when the admonition to be patient would do little else than impose silence upon grief, such exhortations as are contained in this sonnet (and at greater length in the Fourth Book of the ‘Excursion’) may—not in poetry merely, but in practice and in very deed, be found full of consolation—animating, exalting, invigorating, and

“able to drive
All sadness but despair.”

This sonnet was addressed to* a man of poetical talents who had the world before him and the “gales of

* ‘Samson Agonistes.’

youth" to bear him forward. Let us turn now to a tribute rendered in the same form to a great man whose career was rapidly drawing to a close. In the autumn of 1831 Mr. Wordsworth paid a visit to Sir Walter Scott, at Abbotsford, a few days before Sir Walter's departure for Naples; and that departure became the subject of a sonnet, which we are desirous to quote—not for the purposes of criticism, for indeed it needs no comment—but because the grace and melody and tenderness by which it is characterised, will say more to some readers than Mr. Wordsworth's abstruser inspirations:—

“A trouble not of clouds or weeping rain,
 Nor of the setting sun's pathetic light,
 Engendered, hangs o'er Eildon's triple height:
 Spirits of Power, assembled there, complain
 For kindred Power departing from their sight;
 While Tweed, best pleased in chanting a blithe strain,
 Saddens his voice again, and yet again.
 Lift up your hearts, ye mourners! for the might
 Of the whole world's good wishes with him goes;
 Blessings and prayers in nobler retinue
 Than sceptred king or laurelled conqueror knows,
 Follow this wondrous potentate. Be true,
 Ye winds of ocean and the midland sea,
 Wafting your charge to soft Parthenope!”

Let it be written in the literary annals of this age at least, if not of others, that the men who were greatest in intellect amongst us were also great in heart and spirit, and lived together delighting in each other's society and rejoicing in each other's fame. Nor was it the fellowship

of a "school" which united them. This has been supposed of Mr. Wordsworth, Mr. Coleridge, and Mr. Southey, though never of Sir Walter Scott; and yet it could scarcely have been more absurd to class him with them as forming a school, than to class them with each other. The truth is, that these four men came together merely because they were the men of the greatest literary genius in their generation, and because, being also men of large natures, any spirit of rivalry or jealousy was utterly foreign to their dispositions. Such men could not but be congenial associates,—not owing to any peculiarity of genius common to them or any of them, but in spite of very great diversity. Mr. Wordsworth and Mr. Coleridge are the two in whom most points of resemblance might be discerned, the genius of both being essentially philosophic; and yet how wide is the difference!—the one living, amongst books and amongst the wonderful creations of his own mind, a life of thinking for thinking's sake, led by the infirmities of his constitution to turn away from realities,

"And haply by abstruse research to steal
From his own nature all the natural man,"*

* Coleridge's 'Ode to Dejection.' One of the few profound writers of the present day has described with singular force and truth the intellectual characteristics of which this extraordinary man afforded (as we conceive) an example—an example illustrious, no doubt, and wonderful, but to our minds not less melancholy:—"But the imagination is not the only interceptor of affections

dealing therefore with thoughts untried in action, unverified by application, perpetual evolutions of the

divinely destined to the purposes of action. The understanding may be excited simultaneously, and when set to work in reasoning upon the relations of any given phenomena, or upon reducing them into a system, it may thus, with speculative truth for its end, be so delighted with its own energies as to lead us into forgetfulness of action. Thus it absorbs in intellectual exercise the strength that ought to have been spent in practical exertion ; and, while it seems to be doing the work of the affections, it diverts them from their own end, employing all the mental powers in the verification of terms instead of the execution of acts, and then applying them to its own work of classifying, comparing, concluding, or otherwise as the case may be. Thus again, when a religious creed is presented, say to a disputatious and subtle mind, in which the action of the critical faculty overbears and absorbs all other energies, that faculty regards the creed proposed polemically, considers it with reference to logical and technical precision, and not in respect to its moral characteristics and tendencies, and wastes upon this theoretic handling of sacred themes all the sedulity which ought to be employed in seeking to give effect to the proffered means of spiritual amelioration."—*'Gladstone's Church Principles,'* p. 67.

So far the Note to the essay as originally published in 1841. But on its subsequent publication in 1848 a supplementary note was added as follows :—The view of Mr. Coleridge here taken has provoked a protest from a writer of the highest authority on that, as indeed on every other topic of which she treats. Mr. Coleridge's daughter, Mrs. H. N. Coleridge, in a dissertation, for its depth and clearness unrivalled, which she has prefixed to a new Edition of her father's *'Biographia Literaria,'* has expressed herself as follows :—"All this may be true enough of the mere intellectualist ; but who that was well acquainted with Coleridge, as an author or as a man, could suppose that such was his character, or speak of views like his as the product of understanding unirradiated by reason and fancy uninspired by the spiritual sense ? Of all men in the present age he was among the first and

thinking faculty which revolved into themselves, and which, though governed by the curb of a severe logic,

ever among the most earnest to maintain, that 'religion must have a moral origin, so far at least that the evidence of its doctrines cannot, like the truths of abstract science, be wholly independent of the will : ' that 'religion is designed to improve the nature and faculties of man, and that every part of religion is to be judged by its relation to this main end.' These maxims he insisted on during his whole course as a religious writer ; they plainly had a deep hold on his mind, and were uttered by him, not with the lip only, as if learned from others, but as if they had indeed been drawn from 'the fountain-head of genuine self-research.' If he then tried a religious creed 'with reference to logical and technical precision, and *not in respect to its moral characteristics and tendencies,*' how strangely must he have deserted a principle which his own experience had established !—how unaccountably shut his eyes to the light of a 'safety lamp,' which his own hands had hung up for the guidance of others ! Let any candid reader consult on this subject the 'Aids to Reflection,' especially that portion in which the author maintains that 'revealed truths are to be judged of by us as far as they are grounds of practice or in some way connected with our moral and spiritual interests,'—that 'the life, the substance, the hope, the love, in one word, the faith,—these are derivatives from the practical, moral and spiritual nature and being of man ;' and then ask himself whether he who wrote thus could be capable of falling into the error described above. And again let him see whether he can cite a single passage from his writings in which he appears to be trying a creed according to logical precision alone, without regard to its deeper bearings. So far from being apt to consider articles of belief exclusively in their intellectual aspect, in his departures from received orthodoxy he was chiefly influenced by moral considerations, by his sense of the discrepancy betwixt the tenet, in its ordinary form, and the teachings of conscience,—his conviction that the doctrine, as commonly understood, either meant nothing or something which opposed the spiritual sense and practical reason. The *mere intellectualists*, who try divine things by

were not encountered by the checks and responsibilities of life ;—the other seeking rather the wisdom of philo-

human measures, had in my father a life-long opponent. Why then is a charge of mere intellectualism brought against himself? Is it because he resisted the insidious sophism which splits the complex being of man ; separates the moral in his nature from the rational, the spiritual from conscience and reason ; thrusts aside the understanding from its necessary office of organizing and evolving the whole mind, and thus brings half truth and confusion into every department of thought? Did he shew himself unspiritual in declaring that superstition is not, as some will have it, a debased form of *faith*, but a disguised infidelity, since men become superstitious inasmuch as they are 'sensual and dark, slaves by their own compulsion ;' or heartless because he refused to establish faith on feeling and fancy, apart from reflection, and to adopt the slavish maxim, that forms of doctrine which have been associated with religious ideas are to be received implicitly,—are not to be examined whether they stifle the truth or convey it rightly? No! it is not from a strict and careful examination of his *writings* that these notions have arisen, but from a partial view of his *life* and its bearing upon his character. It has been thought that he led too exclusively a life of contemplation to be thoroughly well qualified for a moral preceptor, that he dwelt too much on the speculative side of philosophy to have, in fullest measure, a true philosopher's wisdom. It has been affirmed that he dealt with 'thoughts untried in action, unverified by application, mere exercises of the thinking faculty revolving into itself :' that he 'lived a life of thinking for thinking's sake.' I cannot admit that this is true. Whether or no it would have been better for Mr. Coleridge's own mind and character had he exercised a regular profession, and been less withdrawn from family cares, it is not for me to determine : but this I can affirm, that to represent him as having spent a life of inaction, or of thinking without reference to practical ends, is an injustice both to him and to the products of his mind. To write and to think were his chief business in life ; contemplation was the calling to which his Maker called him ; but to *think merely for thinking's sake*,—merely for the

sophy than philosophy in itself, drawing from the well-spring of life and fact, to which books afforded merely

excitement and pastime of the game, is no man's calling; it is an occupation utterly unworthy of a rational and immortal being. Whether or no he deserves such a judgment let men determine by a careful survey of his writings, in connection with all those studies which are necessary in order to make them understood; let them pronounce upon his character afterwards; perhaps they will see it with different eyes, and with clearer ones, when they have finished the course. I cannot of course attempt here to vindicate his claim to some 'gift of genuine insight,' as an ethical writer; but in reference to the remarks lately cited I ask, of what sort are the thoughts dealt with in 'The Friend,' the 'Aids to Reflection,' the 'Lay Sermons,' the 'Church and State,' the 'Literary Remains?' May it not be said that, of the thoughts they contain, one large class, that relating to politics, cannot, by their nature, '*issue out of acts*,'—out of the particular acts of an individual life,—or be tried and applied in action by the individual who treats of them, though they *tend* to acts and are to have practical consequences; seeing that they relate to national movements, interests of bodies, dealings of communities; while another still larger class, which concern the moral and spiritual being of man, are capable of being tried and verified in the life of every Christian, whether he be given to outward action, or whether activities of an inward character, have been his chief occupation upon earth? To deny their author *this* practical knowledge and experience would be a satire on his personal character rather than a review of his philosophic mind. All the poetry, all the poetical criticism which my father produced, has a practical end; for poetry is a visible creation, the final aim of which is to benefit man by means of delight. As for his moral and religious writings, if practical wisdom is not in them, they are empty indeed, for their whole aim is practical usefulness—the regulation of action, the actions of the heart and mind with their appropriate manifestations—the furtherance of man's well-being here and hereafter. This remark, that my father lived a life of thinking for thinking's sake is either the severest of judgments, more

tributary streams, acting as occasions arose or giving or seeking advice as to what was to be done when this or that happened, living apart from that world which sees its own reflection in the newspapers, but for that very reason penetrating further into individual natures and transactions—

“ Sheltered, but not to social duties lost ;
Secluded, but not buried ” *—

and exercising his judgment in the only way which tends to its rectification—with the consciousness, namely, that according as it concludes there will follow joy or sorrow, loss or gain, injury, anger and resentment, or love and gratitude, on the part of some friend, neighbour, or well-known individual who is frequently met with face to face. From the judgment so exercised and the knowledge accruing with the exercise, comes practical wisdom ; and by duly generalising from practical wisdom we advance to philosophic wisdom. But the principle which lies at the root of all is, that thoughts should either tend towards acts or issue out of them, in order to be justly determined.

severe than his worst and most prejudiced enemies ever passed on him in the heat of conflict, or it is no censure at all, but rather a commendation ; inasmuch as the soul is better than the body and mental activity nobler than corporeal.”

I do not doubt that the account thus given of Mr. Coleridge's mind is the more correct of the two, as well as the more authentic.

* ‘ Excursion,’ Book v.

“Give to no unproportioned thought his act,” *

is a negative injunction, to which may be appended an affirmative and a converse of equal truth. “Give to each well-proportioned thought his act” is the affirmative: the converse (if it can be so called) is, “Give your thoughts their acts, and they will have thereby the better chance to be well proportioned.” For when a thought is to have an act and a consequence, its justness will be the quality principally regarded by the thinker: whereas, if it is to be merely a meditative effort, to end in itself or in another thought, or in being written down in prose or rhyme, its novelty or brilliancy will have a principal instead of a secondary place in the estimation of the thinker; and by the habit of thus thinking without acting, and therefore without fear of consequences, the justness of the judgment will be impaired, and neither practical nor philosophic wisdom will be attained in their highest degrees. Of course it is not to be inferred that, for the purposes of a writer, there must not be much thinking which neither begins nor ends in acting, nor perhaps has any *direct* reference to it; but the needful condition is, that the *habits* of the mind must be formed by the thinking which has this reference, if there is to be any such “gift of genuine insight” as may constitute a great ethical writer, whether in poetry or prose.

It is thus to the cultivation of Mr. Wordsworth's

* Shakespeare, in ‘Hamlet.’

mind in real life that we attribute his pre-eminence as a philosophic poet ; for with him the justness of the thought is always the first consideration : what is commonplace, so it be but true, has its due place and proportion in his mind ; and the degree to which plain and acknowledged truth enters into his writings gives them their breadth ; and perhaps, when they are regarded as a whole, even adds to their originality ; for there is no mind so rare, nor consequently so original, as one which is intellectually capable of the most brilliant aberrations, and is yet so tempered by the love of truth as to give old truths their place along with new, and so warmed by the same love as to make all truths impressive. And Mr. Wordsworth's example, if not his precepts, may suggest to the poetical aspirants who abound in our times, that poetry, in its highest kinds, is the result, not merely of a talent or an art, nor even only of these combined with a capacious mind and an ardent imagination, but also of a life led in the love of truth—and if not in action as the word is ordinarily used, yet certainly in giving practical effect to right feelings and just judgments, and in communicating, by conscientiousness in conduct, an habitually conscientious justness to the operations of the reason and the understanding. “ Endeavour thus to live,”—let us say to such aspirants in Mr. Wordsworth's own words—

“ Endeavour thus to live ; these rules regard ;
These helps solicit ; and a steadfast seat

Shall then be yours among the happy few
 Who dwell on earth, yet breathe empyreal air,
 Sons of the morning." *

The Sonnets (with the exception of the Ecclesiastical series) bear witness more directly perhaps than any of Mr. Wordsworth's other writings, to a principle which he has asserted of poetical, as strongly as Lord Bacon of physical philosophy—the principle that the Muse is to be the servant and interpreter of Nature. Some fact, transaction, or natural object, gives birth to almost every one of them. He does not search his mind for subjects; he goes forth into the world and they present themselves. His mind lies open to nature with an ever-wakeful susceptibility, and an impulse from without will send it far into the regions of thought; but it seldom goes to work upon itself. It is not celibate, but

“wedded to this goodly universe
 In love and holy passion”—

of which union poetry is the legitimate offspring; and it is owing to this love and passion that the most ordinary incidents and objects have inspired an interest in the poet, and that so soon as the impassioned character of his mind had made itself felt and understood, he was enabled to convey the same interest to his readers.

It is true that it was many years before this was brought about, and also that to this day there are readers

* ‘Excursion,’ Book iv.

to whom his poems convey nothing; and it may be acknowledged that amongst this number, rapidly diminishing as it is, there are still some men of distinguished abilities. It is not difficult to account for the general neglect of Mr. Wordsworth's poetry during the first quarter of the present century. That was a period when the poetry of reflection was so much out of fashion that verse had almost ceased to be regarded as a vehicle for thought, and even thoughtful men had recourse to it as if the very intention were to divert themselves from thinking—hung over a stitched pamphlet of rhyme with the sort of charmed ear with which they would have listened to a first-rate performer at the Opera—waited impatiently for another stitched pamphlet to come upon the stage three months afterwards—and being hurried away by their enthusiasm as one stitched pamphlet came out after another, almost mistook the “*primi cantatori*” in this line for the lights of the age, and their “lean and flashy songs” for divine illuminations. Such was the bewilderment of those times: nor is it difficult to conceive that some intelligent men, whose intellectual constitution was not strong, may have had their taste so vitiated during the prevalence of this fashion as never to have recovered a natural appetite. But there are men of a very different order from these, who are still unconverted, and whose case it is not so easy to understand—men too robust in their frame of mind to have been debilitated by the errors of youth, too free and generous

in their temper to feel bound by past commitments, and who nevertheless do in all sincerity fail to make anything out from Mr. Wordsworth's poetry.

Had the value of the poetry consisted in some peculiar vein of fancy, had it been a matter of versification, or had it resolved itself into a particular strain of sentiment or opinion, it might have been said—This is not for the universal ear; it will naturally hit some minds and miss others; and of many of Mr. Wordsworth's poems this may be said fairly; and probably some few of those which make the strongest impression on one reader will make little or none upon another. But looking to the main body of Mr. Wordsworth's works, addressed as they are to the mind of Man at large, and, with a great variety of manner and verse, dealing for the most part with matters of universal interest, it is not easy to explain the existence of that remnant of intellectual men who are still inaccessible. It might have been thought that, verse and all embellishment apart, when one considerable understanding was brought to bear upon another, in subject-matter to which all understandings apply themselves, nothing but the curse of Cassandra could have prevented some sort of result. So it is, however; and it is chiefly for the sake of meeting this remnant on the best ground, that the 'Sonnets' should be brought to the front,—meeting them—not in the spirit of "compelling them to come in," but for a fair trial whether it be not possible to get rid of such an

intellectual anomaly as they present when standing out, and to bring together minds which are worthy of each other. For the Sonnets have not, like many of the other poems, peculiarities of manner which whilst they charm one reader will repel another; they are highly-finished compositions distinguished, as regards the diction, only by an aptitude which can hardly fail to be approved, whatever may be the particular taste of the reader; and they are at the same time so varied in subject and sentiment, that specimens might be adduced from them of almost every kind of serious poetry to which the sonnet can lend itself.

The majority of the four hundred and forty-four which have been published are of a character in which the doctrinal predominates. But the series on the River Duddon rests the mind whilst it charms the ear.

It is a register of the thoughts which may be suggested to a poet in tracking this stream from its source in the mountains to its junction with the sea. We are told what may occur when it flows in human society, and Childhood, Youth, and Age step across it. But there is a previous stage of its course in which it flows through a remote and untrodden solitude, and then everything that is to be seen being what it had been from time immemorial, the poet's fancy is carried far back into the past:—

“ What aspect bore the man who roved or fled,
First of his tribe, to this dark dell? who first
In this pellucid current slaked his thirst?
What hopes came with him? what designs were spread

Along his path? His unprotected bed
What dreams encompassed? Was the intruder nursed
In hideous usages and rights accursed
That thinned the living and disturbed the dead?
No voice replies; both air and earth are mute;
And thou, blue streamlet, murmuring yield'st no more
Than a soft record, that whatever fruit
Of ignorance thou might'st witness heretofore,
Thy function was to heal and to restore,
To soothe and cleanse, not madden and pollute!"

How simple and yet how full is the diction of this sonnet! How much of the wildness and insecurity of savage life is in those words "roved or fled," and in the presentation to the fancy of the one sole man wandering or fugitive! Then the darkness and cruelty of Druidical superstition and barbarian warfare are alluded to in a tone of almost fearful inquiry; and after the pause of silence in the ninth line, how beautifully and with what an expressive change of the music is the mind turned to the perennial influences of Nature, as healing, soothing, and restorative in all times, whatever be the condition of Man! This sonnet is a study in versification throughout; and observe especially the use of duplicate, triplicate, and even quadruplicate consonants in our language,—how admirably they may be made to serve the purposes of rhythmical melody which they are often supposed to thwart—

"And thou, blue streamlet, murmuring *yield'st* no more," etc.

How the slight check, delay, and resistance of the four-fold consonant makes the flow of the verse to be still more musically felt! The Northern languages have

often been reproached for their excess in consonants, guttural, sibilant, or mute ; and it has been concluded as a matter of course, that languages in which vowels and liquids predominate must be better adapted to poetry, and that the most mellifluous language must be also the most melodious. This, however, is a somewhat rash and ill-considered condemnation of our native tongue. Poetry has been often compared to embroidery, and when a language is all of one texture, and that texture nothing but silk and satin, the skilful hand will have but little advantage, and the workmanship of finer art will not stand out so distinctly from ordinary fabrics. Nor indeed will such a language supply adequate materials to the hand of art. In dramatic verse more particularly, our English combinations of consonants are invaluable ; not only for the purpose of reflecting grace and softness by contrast, or precipitating the verse by a momentary detention, but also in giving expression to the harsher passions, and in imparting keenness and significancy to the language of discrimination, and especially to that of scorn. In Shakespeare, for instance, what a blast of sarcasm whistles through that word, "*Thrift, Thrift, Horatio !*" with its one vowel and five consonants, and then how the verse runs on with a low confidential smoothness, as if to give effect to the outbreak by the subsequent suppression—

" The funeral baked meats
Did coldly furnish forth the marriage tables."

And in Beaumont and Fletcher—

“Have I not every night
Expostulated with my wandering thoughts?”

With what felicity the doubled consonants in the first word of the second line express the effort to restrain, and how fully in the fourth word they tell us that the “wandering” thoughts have had their way; so that whether the arrest or the overflow is to be signified, the reduplication of the consonants, mute or liquid, takes an effect that no one can fail to feel.

It is not necessary to insist, as some philologists have done of late years, on a preference for the Saxon element of our language as affording a purer and better English than any other; rather let it be remembered that ours is essentially a highly composite language; that it derives its force, as well as its richness, from the great variety and diversity of its constituents, and that it will be best written by him who avails himself of all its elements in their natural proportion, tempering one with another. And their *natural* proportion means that which comes naturally to the individual writer; for, after all, art and instruction can do little more in this matter of rhythm than to remove theories out of the way and leave a writer to his own intuitive ear and perceptions to find him the better or worse language which is suitable to him. Mr. Wordsworth's diction is neither Saxon nor Latin particularly, but abounding in all the treasures of our

vocabulary, and making the music which no man can make who has but one string to his fiddle.

“What is a spinning-wheel?” is a question which may now be asked by a full-grown person who cannot recollect to have seen one ; and it might be answered by a person twenty years older, that in his youth such an implement was seen in every cottage and in many houses of somewhat higher pretensions—that it was a wheel mounted two or three feet above the ground, to which the spinner’s foot, by means of a sort of pedal, communicated a uniform rotatory motion, whilst her fingers were busy in manipulating the line of flax drawn from it,—that the motion was just not so rapid but that it could be distinctly discerned by the eye, and that the sound which accompanied it was something between the humming of a top and the purring of a cat. But if, having explained the mechanism of the spinning-wheel and its direct use and purpose, he were asked to give some account of its moral influences, he might require the aid of the poet :—

“ Grief, thou hast lost an ever-ready friend
Now that the cottage spinning-wheel is mute ;
And Care—a comforter that best could suit
Her froward mood, and softliest reprehend ;
And Love—a charmer’s voice, that used to lend,
More efficaciously than aught that flows
From harp or lute, kind influence to compose
The throbbing pulse—else troubled without end ?
Even Joy could tell, Joy craving truce and rest
From her own overflow, what power sedate

On those revolving motions did await
Assiduously—to soothe her aching breast,
And, to a point of just relief, abate
The mantling triumphs of a day too blest.”

Mechanical employment, even without these peculiar charms of the spinning-wheel, has no doubt a tendency to alleviate suffering and subdue excitability, and this truth has a political as well as a moral bearing; for in seasons of commercial or agricultural difficulty, the political disturbances which arise amongst the lower orders of the people may be attributed, not to distress and destitution only—for it has often been observed that they extend to many who are under no immediate pressure of want—but also to the concurrent deprivation of that great sedative to the human mind which is found in the employment of the body. Neither hunger nor full feeding act alike upon all men—the one will not invariably produce irritability, still less will the other be unfailingly attended with contentment—but steady labour or manual employment will always promote composure of mind;—a fact which may add one more to the many considerations which lead the politician, as well as the moralist, to insist that a high rate of wages is less to be desired for a country, than work which is regular even though ill paid.

But whilst Mr. Wordsworth appreciates the moral influence of mechanical labour in abating excitement to “*a point of just relief*,” many passages might be adduced

from the 'Excursion' to show that its benefits become more than questionable in his eyes when it is carried so far as to suppress the activity of the understanding and render the mind callous and insensible. The subject is discussed at length in the eighth book, with no pseudo-poetical partiality—no preference of previous and ancient evils to those of the manufacturing system, but philosophically and fairly; and it is resumed in the ninth book in its natural connection with the subject of national education. If reference be made to these two books it will be seen by those who are practically acquainted with the subject that the experience and Parliamentary inquiries of the seven and twenty years which have elapsed since the 'Excursion' was published have only shown more conclusively the justness of the poet's views and feelings as to the evils which are, perhaps to a certain extent unavoidably, but at all events most unhappily and fatally to many of the lower classes, mixed up with the unsteady and inordinate activities of our manufacturing system. In the course of those years other eminent writers joined in denouncing these evils with all the fervour of the poetical temperament (one great man, Mr. Southey, we need scarcely name), and more recently public men have been found in the House of Commons, of an ardent and indefatigable benevolence, to suggest remedies; whilst there has remained for political economists the ungracious but indispensable task of determining which of these were practicable and

which were not. Some progress—much, we trust—has been made in the matter ; and by a kindly alliance and concurrence of all the lights and powers which are requisite for the treatment of this difficult problem—by philanthropical, philosophical, economical, and practical efforts, and by eloquence poetical and Parliamentary, and by the press and by the pulpit, it may be hoped that much more progress will be made in no long time.

Thus the Sonnet to the spinning-wheel might not have been altogether misplaced in the series entitled ‘Political Sonnets.’ But of that series, those which were in earlier editions entitled ‘Sonnets to Liberty,’ are to be placed first. Amongst these there are some loftier strains than almost any that have been sounded upon historical and contemporary themes since the breath ceased which uttered that tremendous imprecation—

“Avenge, oh Lord ! thy slaughtered saints, whose bones
Lie scattered on the Alpine mountains cold !”—

loftier than *almost* any ; for Mr. Southey’s ‘Ode written during the Negotiations with Buonaparte in 1814,’ is not to be forgotten. The catalogue of massacres in the penultimate stanza, followed by the summary of murders in the last stanza of that ode ; the grave and not ungoverned but at the same time irresistible and fiery vehemence which pervades it, may well give it a pre-eminence as the most awful judgment that ever was denounced in song. Mr. Wordsworth’s series of ‘Sonnets

to Liberty' arose also out of the events connected with Buonaparte's domination ; but *he* writes more in sorrow than in anger, whilst Southey, like Milton, fulminates his censures more in anger and scorn than in sorrow,—pursuing the oppressor in a just and virtuous spirit, but also in a spirit deeply vindictive, and with what would have been called in old times “a mineral hatred.” The dignified and melancholy anger, the anger “slow and spiritual,” with which Mr. Wordsworth contemplates the tyrant's career, admits more of meditative thought into his effusions on such topics ; though dull must be the reader to whom these also are not “soul-animating strains :”—witness the following, addressed to Toussaint Louverture :—

“TOUSSAINT, the most unhappy man of men !
 Whether the whistling rustic tend his plough
 Within thy hearing, or thy head be now
 Pillowed in some deep dungeon's earless den ;—
 Oh miserable chieftain ! where and when
 Wilt thou find patience ? Yet die not ; do thou
 Wear rather in thy bonds a cheerful brow :
 Though fallen thyself, never to rise again,
 Live and take comfort. Thou hast left behind
 Powers that will work for thee ; air, earth, and skies ;
 There's not a breathing of the common wind
 That will forget thee ; thou hast great allies ;
 Thy friends are exultations, agonies,
 And love, and man's unconquerable mind.”

Mr. Wordsworth's sentiments respecting liberty in the various senses in which the word is used, as applying to

national independence, to civil liberty, and to individual freedom, are everywhere pervaded by a deep sense of the truth that liberty is essentially of a moral and spiritual nature; and that whilst she is closely connected no doubt with forms and organizations, and whilst dictating and requiring them for her conservation, yet these forms do not constitute, and cannot of themselves impart, the spirit of liberty—that the forms must result from the spirit, otherwise the spirit will not result from the forms—a doctrine which has a constant application to practical politics. A celebrated event in ancient history is made the occasion of delivering this doctrine in reference both to civil liberty and national independence :—

“ A Roman Master stands on Grecian ground ;
 And to the people at the Isthmian games
 Assembled, he, by a herald's voice, proclaims
 THE LIBERTY OF GREECE :—the words rebound
 Until all voices in one voice are drowned ;
 Glad acclamation by which air was rent !
 And birds, high flying in the element,
 Drop to the earth, astonished at the sound !
 Yet were the thoughtful grieved ; and still that voice
 Haunts, with sad echoes, musing Fancy's ear ;
 Ah ! that a *Conqueror's* words should be so dear !
 Ah ! that a *boon* could shed such rapturous joys !
 A gift of that which is not to be given
 By all the blended powers of Earth and Heaven.”

Again, in a sonnet written when Buonaparte was threatening the independence of this country, the poet, being at that time on the coast near Dover, contemplates

the "span of waters" which divides England from France, and admitting the mighty power of the physical barrier, yet regards it as merely subordinate and instrumental, and still insists upon the higher agency as the vital protection :—

✓ | "Even so doth God protect us if we be
Virtuous and wise. Winds blow and waters roll
Strength to the brave, and Power, and Deity ;
Yet in themselves are nothing ! One decree
Spake laws to *them*, and said that by the soul
Only, the nations shall be great and free."

✓ The same strain of sentiment will be found to recur repeatedly in the sonnets which relate to the events of Buonaparte's wars and the subjugation or resistance of the several States whose independence he invaded ; and at the close of the series, which ends in 1811, a censure is pronounced upon the deplorable infirmity of man's nature which at that time came in aid of Buonaparte's power, sapping the hearts of many weak brethren in this country as well as in his own and others,—the tendency to lose all sense of right and wrong, and all sense of horror at cruelties and crimes, in an effeminate admiration of talents, achievements, and power. This admiration, thus counteracting the heart's better nature, was in truth, wheresoever it prevailed, an index of the absence or decay of the virtues which are essential to liberty. An *effeminate* admiration, it may be truly designated ; for it prevailed chiefly amongst women, who are more prone than men to feel, concerning things at

a distance, according to their effect in story, and not according to their reality in life. Casca, in Shakespeare's play, says of the women who forgave Cæsar, that "if Cæsar had stabbed their mothers they would have done no less." The admirers of Buonaparte, whether women or effeminate men, were not perverted to this extent; facts which are brought before the bodily eyes or come home to the individual feelings of such persons, will set them right in their sentiments concerning an ambitious conqueror;—the women of Zaragoza were under no mistake;—but that nothing else may have power to do so, there was many a pitiable proof in this country during Buonaparte's career; and to such cases the latter part of the following sonnet adverts in the strongest language of reprehension to which Mr. Wordsworth has ever permitted himself to give utterance:—

“Here pause : the poet claims at least this praise,
That virtuous Liberty hath been the scope
Of his pure song, which did not shrink from hope
In the worst moments of these evil days ;
From hope, the paramount *duty* that Heaven lays,
For its own honour, on man's suffering heart.
Never may from our souls one truth depart—
That an accursed thing it is to gaze
On prosperous tyrants with a dazzled eye ;
Nor—touched with due abhorrence of *their* guilt
For whose dire ends tears flow and blood is spilt
And justice labours in extremity—
Forget thy weakness, upon which is built,
O wretched Man, the throne of tyranny !”

The corollary from this sonnet is, that when the

admiration of anything opposed to virtue is stronger than virtue itself in a people, that people is unfit for liberty, and the vital spirit of liberty is not in them. Through how much of political theory and practice ought this doctrine to be carried! Is there in this country any constituency to which what are called popular talents will recommend a representative notoriously profligate and reprobate? That constituency is unfit for its franchise; and whatever specious pretences may be made of supporting a public principle and distinguishing between public and private conduct—as if the support of virtue was *not* a public principle—such an exercise of the franchise is tainting the very sources of liberty in the land. For to suppose that liberty can be promoted whilst virtue is overlooked, is nothing else than to suppose that the consequence can be produced without having regard to the cause.

That liberty must rest upon a moral rather than a political basis, and that the attempt is vain to build it up by a merely political agency or promote it in a merely political spirit, is a truth which has always been before the eyes of our great poets, though often lost to those of our politicians. Coleridge saw it in his youth, instructed by the events that were occurring in France, and expressed it with characteristic force:—

“The sensual and the dark rebel in vain,
Slaves by their own compulsion.” *

* ‘France,’ an Ode.

Milton saw it, ardently political as he was; or perhaps he saw it only when the ardour of his political mind had been informed by experience and tempered by adversity. He asks ('Paradise Regained,' iv. 145) what wise man would seek to free a people "by themselves enslaved,"

"Or could of inward slaves make outward free?"

And in 'Paradise Lost' (xii. 79) Michael explains to Adam that perfect liberty could only exist in Paradise, being inseparable from virtue, which again is identical with right reason. These great men knew the nature of liberty; and those who may study, along with their writings, Mr. Wordsworth's political sonnets and the large portion of his other works which bear upon the state and prospects of society, can hardly fail to increase and refresh their knowledge of these subjects, and to appreciate more justly the connection between true liberty and the mere political outworks which often take its name without by any means comprising its substance.

For in what does the worth and gloriousness of liberty consist? Not in charters, statutes, and franchises: these are merely the documents and conveyances of liberty. Not in the political powers and functions which they authenticate: these, indeed, may constitute liberty *as a means*: but the end and sanctifying principle of liberty consists in the peace and happiness, the independence and elevation of the minds of individual men.

Let us pursue the principle, therefore, into practical life, and observe how far political institutions succeed, and wherein they fail, to produce personal independence. Take, for instance, an Austrian or Prussian tradesman, and place him side by side with the London shopkeeper, obsequious behind his counter—which is the free man? The Austrian or Prussian will generally be found to wear a countenance and manner of independent courtesy, confident of meeting the same in return, but not much more bent upon conciliating his customer than he expects his customer to be on conciliating him. The relations between them are marked by no other desire to please on the part of the tradesman than belongs to the goodwill which ought to subsist between fellow-creatures. True, he is legally liable to be watched by a spy or imprisoned without a warrant: but he lives in no fear that such a thing will happen, and there is no sign that the degradation of his political state enters into his daily feelings, his transactions in business, or his habits in social intercourse. Turn, then, to the London shopkeeper. Of the signs and tokens to be observed in *his* manners it is enough to say that they are tinctured with a courtesy which is *not* independent. And whence comes this? It is not for want of statutes, charters, privileges, and immunities; it is for want of an independence which these gross instrumentalities can neither give nor take away; it is because his mind has been reached by a far more penetrating influence than

any which is thus derived—because his *will* is enslaved ; because his heart is venal, and he is ready to sell his birthright for a mess of pottage. It is true that he shouts for liberty at the hustings ; but though the voice is Jacob's voice, the hands are the hands of Esau ; what he values in what he calls liberty is chiefly protection from a tax ; money is still the tyrant of his mind ; and the very colours of his political liberty may very often be nothing else than the badge of his inward servitude.

Is, then,—this class, this minority, this mere feature in our society,—to be adduced as impeaching the value of our free institutions in their general results. Far from it. Those institutions are to be valued beyond everything except the spirit which produced them and the ends they are to serve. But what may be insisted on is that political liberty is good and glorious only so far as it conduces to moral and spiritual liberty and to personal independence—that it is pure and righteous only in so far as it is—

“Subservient still to moral purposes,
Auxiliar to divine.” *

And the practical conclusion is—not that any lover of liberty is to be in any one act or thought of his heart less ardent or strenuous in the love of liberty—but that for the very sake and in the spirit of that love, he is diligently to consider the mixed and contrarious effects

* ‘Excursion,’ Book iv.

to which merely political proceedings give birth ; and if he supports measures which are brought forward in the name of political liberty, he is to see at least that they may be expected to promote personal independence, and so far as may be possible, not independence only and of itself, but an independence virtuous, enlightened, and founded in humility. If this be overlooked, our popular Patriots *may* give *power* to the people, but not liberty.

Having these principles in view, and taking the eighth book of the 'Excursion' for a connecting commentary, the reader may be led by the Sonnets to trace the course of political liberty through some of its leading consequences in our own country. Its earliest and most assured result is *wealth*. From wealth is derived national power and independence, and a numerous population : but seeking for its effects within and amongst that population, we find them to be of a chequered and multifarious character, with perhaps only one characteristic common to all, whether good or bad,—that of *activity*. And believing—as it would be impious to disbelieve—~~believing~~ with a deep trust and assurance that the good elements in human nature are more powerful than the bad and are continually gaining upon them, it follows that an increase of activity to all will impart an increase of preponderance to the good. Thus wealth and activity, whilst adding largely to the ignorant and bedarkened part of the population, produce a more than propor-

tionate addition to those parts which are in some degree instructed ; and have a yet more important result in carrying the instruction of those who were already instructed to a higher point, and along with greater enlightenment, communicating to those classes greater power and efficacy in good works. Hence we have a race of clergymen and country gentlemen far superior to their predecessors.

But whilst we never forget that the results of our institutions are good in the main, and whilst we hope that there will accrue under them an incalculable accession of good in the end, it is fit that we should also look the evil results fairly in the face. Wealth and commercial activity, whilst they make the life of man in general a life of progress, make it also a life of vicissitude as regards worldly condition. By vicissitude the minds of men are exercised in worldly hopes and fears, the passions connected with gain and loss are unduly excited, and the industry of the trading classes (which are perhaps the most important class as regards the stamp given to the national character) is no longer the industry of necessity or duty, but an inordinate and greedy industry, carrying with it often a taint of gambling speculation, and resembling that vice in its wasting effect upon the heart. This species of industry, if it intermits at all, is of too excited a nature to leave the heart to repose even in its intervals ; it may possibly not be altogether absorbing and engrossing ; but in that case

the excitement of getting will alternate—not with rest, but with excitement of another kind—the excitement of spending :—

“The world is too much with us ; late and soon,
Getting and spending, we lay waste our powers :
Little we see in Nature that is ours ;
We have given our hearts away, a sordid boon !
This sea that bares her bosom to the moon ;
The winds that will be howling at all hours,
And are up-gathered now like sleeping flowers ;
For this, for everything, we are out of tune ;
It moves us not.—Great God ! I'd rather be
A Pagan suckled in a creed outworn ;
So might I, standing on this pleasant lea,
Have glimpses that would make me less forlorn ;
Have sight of Proteus rising from the sea ;
Or hear old Triton blow his wreathed horn.”

In a subsequent sonnet, riches are denounced for the fears which they generate. In October, 1803, at the approach of the great conflict with Buonaparte, Mr. Wordsworth had remarked that whilst other classes were hopeful and manful, it was the rich who were fearful and desponding :—

“What do we gather hence but firmer faith
That every gift of noble origin
Is breathed upon by Hope's perpetual breath ;
That virtue and the faculties within
Are vital,—and that riches are akin
To fear, to change, to cowardice, and death ?”

But though in these and other poems he animadverts upon riches or the love of riches as working against the

freedom of the heart, he nowhere advocates equality of station as fostering either independence or any other virtue. Yet it may be asked, do not riches lie at the root of all worldly inequalities? Undoubtedly they do, and riches are as undoubtedly the basis of many social virtues. But in order to be so, they must not be thrown up suddenly by commercial vicissitude; they must be stable and permanent, and give birth to permanent social relations. Riches which are stable and permanent are overgrown in the course of time with many associations and imaginative colourings, until they seem to be rather the adjuncts of a social pre-eminence than the substance and essence of it. This equable and settled wealth neither agitates the mind of the possessor nor provokes others to a jealous emulation; and without the differences of social rank which spring from it, it may well be questioned whether some of the best parts of our nature would not remain uncultivated. For the truth is, that there is nothing so uninteresting to man, nothing so ungenial and unfruitful, as social equality. Man's nature and the wants of his imagination call for the contrary; and where institutions are ostensibly calculated to remove the sense of inequality, they will in reality remove only so much of it as is connected with our better nature, and bring into strong and naked operation the inequalities of a monied scale. This is no doubt one of the tendencies of our institutions at the present time—a tendency which will be counteracted and conquered, as we trust

—one tendency only amongst many; but one against which those who value the true liberty of their country, the liberty of its individual minds and hearts, should strenuously contend. And it is not a tendency as regards the lower classes only. Social distinction is an object to high and low, and is open to every one of us through money, and money will procure for every one consideration, service, and what is equally indispensable to mankind, civility; and in this state of society the liberty of the higher classes is not less in danger than that of the lower. For with the restless activity, the ambition, the importance attached to money, the pecuniary taint which infects all the relations between the upper and lower classes, the absence of the disinterested courtesies and unpaid good offices of life which inspire confidence between those classes and seem to place them in a relation of human brotherhood with each other—with all these elements of our society, there arises naturally its chief characteristic on the evil side of the account, pride, or a pusillanimous fear of opinion—pride which—

“Howe’er disguised
In its own majesty, is littleness”—

and invariably undermines the strength and independence of the heart. The study of Mr. Wordsworth’s writings will assist more than any other literary influence that is now abroad to abate the spirit of pride and cherish the spirit of independence; and it may be well in coming

to the end of the political series of his Sonnets, to sum up the doctrine to be derived from them as teaching, that in so far as the political institutions of a country place any man in such circumstances as to give avarice, ambition, or pride the dominion over his heart, whatever may be the name given or the virtue ascribed to those institutions, they cost that man his liberty.

Next comes the series which Mr. Wordsworth has entitled 'Itinerary,'—already alluded to as "the sundry contemplation of his travels." Scenery, cities, manners, local traditions, recorded events, incidents of the moment, remains of antiquity, products of modern taste, abodes, sites and occupants, viaducts, railways, and steam-boats, names, clouds, and echoes,—nothing comes amiss to Mr. Wordsworth on his travels, and sonnets spring up in his path wherever he goes. And amidst the multitude of objects which attract his attention, it is difficult to say that any one class has more power over him than another. Natural objects have undoubtedly had the greatest influence originally, as we may learn from the celebrated lines written on visiting Tintern Abbey and from many other passages; and amongst these "the family of floods" are mentioned by the poet as standing first in his regard, and many members of that family are celebrated in the Sonnets, from "the stately Eden" in his own country, to

"That young stream that smites the throbbing rocks
Of Viamala."

But natural objects are so vividly recalled to his memory when others are presented to his eyes,—the colours of them are so interwoven with the whole tissue of his mind,—that hardly any subject is treated separately from them. And on the other hand, his sense of the beauty of external nature is seldom merely passive ; the activities of his intellect are excited by it rather than merged in it, and his poetry is not often purely descriptive. The sonnet which is perhaps the most so, is a description of the plain between Namur and Liege, in which the effect of nature's tranquillity is heightened by allusion to the frequent warfare of which that plain has been the theatre :—

“ What lovelier home could gentle Fancy choose ?
 Is this the stream, whose cities, heights, and plains,
 War's favourite playground, are with crimson stains
 Familiar, as the morn with pearly dew's ?
 The morn, that now, along the silver MEUSE,
 Spreading her peaceful ensigns, calls the swains
 To tend their silent boats and ringing wains,
 Or strip the bough whose mellow fruit bestrews
 The ripening corn beneath it. As mine eyes
 Turn from the fortified and threatening hill,
 How sweet the prospect of yon watery glade,
 With its grey rocks clustering in pensive shade,
 That, shaped like old monastic turrets, rise
 From the smooth meadow-ground, serene and still ! ”

This seems pure description ; yet what a serious satire is expressed in one word, “ War's favourite *playground* ! ”

In the following sonnet, entitled ‘ The Trosachs,’

the moral is blended with the description throughout :—

“ There’s not a nook within this solemn Pass,
 But were an apt confessional for one
 Taught by his summer spent, his autumn gone,
 That life is but a tale of morning grass
 Withered at eve. From scenes of art which chase
 That thought away, turn, and with watchful eyes
 Feed it ’mid Nature’s old felicities,
 Rocks, rivers, and smooth lakes more clear than glass
 Untouched, unbreathed upon. Thrice happy quest,
 If from a golden perch of aspen spray
 (October’s workmanship to rival May)
 The pensive warbler of the ruddy breast
 That moral sweeten by a heaven-taught lay,
 Lulling the year, with all its cares, to rest ! ”

How skilfully does that suggestion in the parenthesis, of the sunshiny colouring of the aspen in October, adumbrate the cheerfulness to be bestowed by natural piety upon the decline of life ! preparing for the principal illustration of the same idea in the song of the red-breast, which only begins to sing when other birds have ceased. Congenial with this in sentiment and imagery is a sonnet written at Bala-sala, Isle of Man, in the person of a friend of the author. The convent spoken of is Rushen Abbey :

“ Broken in fortune, but in mind entire
 And sound in principle, I seek repose
 Where ancient trees this convent-pile enclose
 In ruin beautiful. When vain desire
 Intrudes on peace, I pray the eternal Sire
 To cast a soul-subduing shade on me,
 A gray-haired, pensive, thankful refugee ;
 A shade—but with some sparks of heavenly fire

Once to these cells vouchsafed. And when I note
 The old tower's brow yellowed as with the beams
 Of sunset ever there, albeit streams
 Of stormy weather-stains that semblance wrought,
 I thank the silent monitor, and say
 ' Shine so, my aged brow, at all hours of the day ! ' ”

When Mr. Wordsworth is upon his travels, the very modes of conveyance “have their authentic comment,” and suggest thoughts, recollections, and feelings. We find him, in 1820, in a carriage on the banks of the Rhine, travelling with a speed which cheats him of half his enjoyment, and wishing to be on foot as in the days of his youth :—

“ Amid this dance of objects sadness steals
 O'er the defrauded heart—while sweeping by,
 As in a fit of Thespian jollity,
 Beneath her vine-leaf crown the green Earth reels :
 Backward, in rapid evanescence, wheels
 The venerable pageantry of Time,
 Each beetling rampart and each tower sublime,
 And what the dell unwillingly reveals
 Of lurking cloistral arch, through trees espied
 Near the bright river's edge. Yet why repine ?
 To muse, to creep, to halt at will, to gaze—
 Such sweet wayfaring—of life's spring the pride,
 Her summer's faithful joy—*that* still is mine,
 And in fit measure cheers autumnal days.”

It is a happiness to know that the “fit measure” of pedestrian strength which remained to Mr. Wordsworth in the year 1820 is yet with him in 1841, and that the fainting London tourist may still meet with him, robust and fresh, on the top of Helvellyn or other “cloud-

sequestered height," exercising his functions as one of "Nature's Privy Council."

If Mr. Wordsworth was not quite content to be whirled along the banks of the Rhine in a carriage, it was to be expected that he should betray more impatience in a steam-boat :—

"Who but must covet a cloud-seat, or skiff
Built for the air, or wingèd Hippogriff?
That he might fly, where no one could pursue,
From this dull Monster and her sooty crew."

But what some persons would consider the poetic or romantic view of things never shuts out from Mr. Wordsworth's mind the contemplation of the whole truth. For the whole truth received into a poetic mind of the highest, that is, of the philosophic order, may always take a poetical shape, and cannot but be more fruitful than half-truths. And thus, we have a notice, in a sonnet on steam-boats, viaducts, and railways, that Mr. Wordsworth is not to be misled by any false lights into regarding with other feelings than those of hope and gratulation the victories of mind over matter :—

"Motions and Means, on land and sea at war
With old poetic feeling, not for this
Shall ye, by Poets even, be judged amiss !
Nor shall your presence, howsoe'er it mar
The loveliness of Nature, prove a bar
To the Mind's gaining that prophetic sense
Of future change, that point of vision, whence
May be discovered what in soul ye are.

In spite of all that beauty may disown
 In your harsh features, Nature doth embrace
 Her lawful offspring in Man's art ; and Time,
 Pleased with your triumphs o'er his brother Space,
 Accepts from your bold hands the proffered crown
 Of hope, and smiles on you with cheer sublime."

Twenty years ago there was a literary controversy of some celebrity, in which Lord Byron, Mr. Campbell, and Mr. Bowles were the principal performers, on the subject of the comparative merits of nature and art in supplying subjects for poetry. A little of Mr. Wordsworth's philosophy, or a little of Shakespeare's, would have taught the disputants either not to distinguish at all between these subjects, or to distinguish more clearly. There are a few words in the 'Winter's Tale' which say more than anything said then :—

"*Perdita.* Sir, the year growing ancient,—
 Nor yet on summer's death, nor on the birth
 Of trembling winter,—the fairest flowers o' the season
 Are our carnations, and streak'd gilliflowers
 Which some call Nature's bastards : of that kind
 Our rustic garden's barren ; and I care not
 To get slips of them.

Polixenes. Wherefore, gentle maiden,
 Do you neglect them ?

Perdita. For I have heard it said,
 There is an art which in their piedness shares
 With great creating Nature.

Polixenes. Say there be ;
 Yet Nature is made better by no mean,
 But Nature makes that mean : so, o'er that art,
 Which, you say, adds to Nature, is an art
 That Nature makes."—(Act iv., sc. 3.)

This is the philosophical view of the matter, and Mr. Wordsworth's taste is as universal as philosophy itself; and his philosophy and his poetry are never found in collision with each other, but always in an easy alliance.

It has sometimes been said that Mr. Wordsworth has written in disparagement of science. The charge has been brought, by two very different classes of persons,—by those who mistake certain scientific nomenclatures and classifications for sciences themselves, and, on the other hand, by those who have a genuine comprehension of science, but are led, from the want of other knowledge, faculties, or feelings, to think that the material sciences are the highest walks of human contemplation. Yet in reality neither the sciolist nor the adept has any reason to complain. For the former Mr. Wordsworth has not perhaps absolute respect, but certainly a genuine indulgence—witness the sketches in the ‘Excursion,’ of “the wandering herbalist,” and his fellow wanderer:—

“He who with pocket-hammer smites the edge
Of luckless rock or prominent stone, disguised
In weather-stains or crusted o’er by Nature
With her first growths—detaching by the stroke
A chip or splinter to resolve his doubts.—”

He finds no fault with either of these gentlemen—

“Intrusted safely each to his pursuit,
Earnest alike, let both from hill to hill
Range ; if it please them speed from clime to clime ;
The mind is full—no pain is in their sport.”

Thus gently does he, even when speaking by the mouth of the least gentle of his *pœmatis personæ*, deal with the dabblers in science. Shakespeare also was a good-natured observer ; yet these men of nomenclatures did not escape so easily in his hands :—

“ These earthly godfathers of heaven’s lights,
That give a name to every fixed star,
Have no more profit of their shining nights
Than those that walk and wot not what they are.” *

So much for the sciolist. And next for the complaint of the adept. It may be that Mr. Wordsworth does not pay knee-worship even to *his* idol, or reverence as the highest knowledge that which, however consummate in its kind, is limited to the purely material sciences. But as in the sonnets heretofore quoted, so in his other writings, he invariably treats the material sciences with the respect which is due to their place amongst the powers and instrumentalities of nature. He would not deny that they are powers of stupendous importance in their results, but neither would he admit that they are on that account entitled, when standing alone, to confer the highest rank upon the intellects through which those results are brought about. He would not deny, certainly, that incalculable moral as well as material results are the offspring of the purely material sciences ; for as matter is always acting upon spirit with prodigious force throughout

* ‘ Love’s Labour’s Lost.’

the portion of the universe which is known to Man, so there can be no doubt that the material products of science operate incalculable changes in the moral condition of mankind. But neither would he admit that that which acts upon spirit through matter, however important the agency may be in its consequences, can be regarded as an agency of an equally high order with that which acts upon spirit through spirit.

Thus, in the eighth book of the 'Excursion,' he rejoices and exults in the mastery exercised by science over the elements; but rejoices in it hoping that the time will come when man, "strengthened yet not dazzled" by his scientific conquests—

"Shall learn, though late, that all true glory rests,
All praise, all safety, and all happiness,
Upon the moral law."

And he proceeds to show that even the sciences themselves must have the same support, in order to ensure them against decay and oblivion :—

"Egyptian Thebes,
Tyre, by the margin of the sounding waves,
Palmyra, central in the desert, fell ;
And the arts died by which they had been raised.
Call Archimedes from his buried tomb
Upon the plain of vanished Syracuse,
And feelingly the sage shall make report
How insecure, how baseless in itself,
Is the philosophy whose sway depends
On mere material instruments ; how weak
Those arts and high inventions, if unpropped

By Virtue ! He, sighing with pensive grief,
Amid his calm abstractions, would admit
That not the slender privilege is theirs
To save themselves from blank forgetfulness !”

If, therefore, we are to separate what we cannot wish to see separated—if we *must* separate knowledge and intellectual power into degrees and orders of precedency—let us concur with Mr. Wordsworth in giving the first place to the kind which lives in the hearts of men and fortifies the imaginative faith, which kindles the affections, animates the belief in things unseen, and multiplies

“The spiritual presences of absent things.”

This kind of knowledge and power, depending immediately upon the imagination, but not to be cast loose from scientific laws, may without wrong to any other, be placed in the first rank of human intelligences. In the Celestial Hierarchy, according to Dionysius Areopagita, the Angels of Love hold the first place, the Angels of Light the second, and Thrones and Dominations the third. Amongst Terrestrials, the intellects which act through the imagination upon the heart of man, may be accounted the first in order, the merely scientific intellects the second, and the merely ruling intellects—those which apply themselves to the government of mankind without the aid of either science or imagination—will not be disparaged if they are placed last.

But Mr. Wordsworth, no doubt, would be better pleased to contemplate the conjunction, than the sub-

ordinated separation of these powers, and he anticipates the time when science, allying itself with the imaginative faculty, and through this reaching and inspiring the heart, shall be exalted into philosophy :—

“ Science then
 Shall be a precious visitant ; and then,
 And only then, be worthy of her name.
 For then her heart shall kindle ; her dull eye,
 Dull and inanimate, no more shall hang
 Chained to its object in brute slavery ;
 But taught with patient interest to watch
 The processes of things, and serve the cause
 Of order and distinctness, not for this
 Shall it forget that its most noble use,
 Its most illustrious province, must be found
 In furnishing clear guidance, a support
 Not treacherous, to the mind’s *excursive* power.” *

Nor does Mr. Wordsworth regard the advances of science with any jealousy, as if it were possible that they could tend to limit the province of the imagination. That province he knows to be boundless ; and though many of the secrets of Nature may be discovered, and the pride of Man may for the moment exult inordinately, forgetting what mysteries remain which Science can never penetrate and Faith can but see darkly, yet he is assured that Man is and always will be an imaginative being ; and that whatever he may search out and lay open, he must still come to the unseen and the inscrutable at last,

* ‘Excursion,’ Book iv.

and be recalled to the awe and humility which befits his condition :—

“Desire we past illusions to recal?
 To reinstate wild Fancy would we hide
 Truths whose thick veil Science has drawn aside?
 No,—let this age, high as she may, instal
 In her esteem the thirst that wrought man’s fall,
 The universe is infinitely wide;
 And conquering Reason, if self-glorified,
 Can nowhere move uncrossed by some new wall
 Or gulf of mystery, which thou alone,
 Imaginative Faith! canst overleap,
 In progress toward the fount of Love,—the throne
 Of Power, whose ministers the records keep
 Of periods fixed and laws established, less
 Flesh to exalt than prove its nothingness.”

It was in no other spirit—it was in the profound humility of his own nature, and with a deep insight into man’s nature, that the great founder of modern material philosophy offered up his ‘Student’s Prayer’—

“This also we humbly and earnestly beg, that human things may not prejudice such as are divine, neither that from the unlocking of the gates of sense, and the kindling of a greater natural light, anything of incredulity or intellectual night may arise in our minds towards divine mysteries. But rather that, by our mind thoroughly cleansed and purged from fancy and vanities, and yet subject and perfectly given up to the divine oracles, there may be given unto Faith the things which are Faith’s.”

Devoutly is it to be wished that, along with the ardour

in material philosophy which has thrown so much light on the natural world in the generations succeeding Lord Bacon, there could have been communicated to all of his disciples, as it has been in degree to some, the greatness of that man's religious heart.

But let us proceed with the Itinerant. Manners are regarded by him, no less than arts and sciences, with an inquisitive eye, and pondered in a spirit of comprehensive appreciation. He observes the decay of ancient manners and the progress of innovation, reaching even to the Scotch Highlands,—but he observes them with no predisposition to prefer what is old to what is modern on any other than just and reasonable grounds ; his desire is only to examine into the different effects of changes, to weigh losses against gains, and to “have a right judgment in all things.” When, indeed, he sees

“the umbrella spread
To weather-fend the Celtic herdsman's head”—

there arise in his mind some doubts and misgivings, and he pauses before he can regard the superior comforts of the Celtic herdsman with unmixed satisfaction. Still it is but a doubt and an inquiry, not a decision ; and he does not fail to intimate that there is another side to the question :—

“The pibroch's note, discountenanced or mute ;
The Roman kilt, degraded to a toy
Of quaint apparel for a half-spoilt boy ;
The target, mouldering like ungathered fruit

The smoking steam-boat eager in pursuit,
 As eagerly pursued ; the umbrella spread
 To weather-fend the Celtic herdsman's head—
 All speak of manners withering to the root,
 And of old honours, too, and passions high :
 Then may we ask, though pleased that thought should range
 Among the conquests of civility,
 Survives imagination—to the change
 Superior ? Help to virtue does she give ?
 If not, O Mortals, better cease to live ! ”

In the series of ecclesiastical sonnets Mr. Wordsworth is found for the first time planning a work in which his inspiration and his themes were to be drawn more immediately from books than from Nature or from his own experience and observation. It is thus that he represents the recovery of the Church after the persecution under Diocletian :—

“ As, when a storm hath ceased, the birds regain
 Their cheerfulness, and busily re-trim
 Their nests, or chant a gratulating hymn
 To the blue ether and bespangled plain ;
 Even so, in many a reconstructed fane,
 Have the survivors of this storm renewed
 Their holy rites with vocal gratitude :
 And solemn ceremonials they ordain
 To celebrate their great deliverance ;
 Most feelingly instructed 'mid their fear—
 That persecution, blind with rage extreme,
 May not the less, through Heaven's mild countenance,
 Even in her own despite, both feed and cheer ;
 For all things are less dreadful than they seem.”

The last line expresses one of those truths which

present themselves with peculiar force to an imaginative mind, owing to its individual experience. For to such a mind the absent and the distant appear with a vividness of colouring which realities when present will generally be found to fall short of; and when fear is the passion by which such a mind is seized, it will be apt to lose sight, in the liveliness of its prospective emotions, of the resources with which its imaginative and susceptible nature abounds, and which might enable it to deal victoriously with the actual presence of the thing feared, or even with the nearer approach of danger. For fear itself is not more the characteristic of a highly imaginative mind than faith; and the love which casteth out fear will grow in power, and all the antagonist emotions will be awakened, as the thing apprehended becomes less matter of imagination and more matter of distinct perception and knowledge. Poets, therefore, have perpetual occasion to remind themselves that

“—— all things are less dreadful than they seem,”—

and thereby to apply the consolations of the imaginative reason as a corrective to the excesses of imaginative passion. “Present fears,” says Shakespeare,

“—— are less than horrible imaginings.”*

And Milton may have been thinking less of the Devil than of what he had himself experienced, when he gave

* ‘Macbeth,’ Act i. Sc. iii.

expression, in the person of Satan, to a similar sentiment :—

“ If there be worse, the expectation more
Of worse torments me than the feeling can ;
I would be at the worst ; worst is my port,
My harbour and my ultimate repose,
The end I would attain, my final good.” *

Fear is, indeed, a far greater evil in the world than danger ; as it is also to a far greater extent an evil of Man's making.

Mr. Wordsworth's sonnets are a world-wide theme ; there is always something left to say : more than this, the charm of them is a lingering charm ; and in closing the volume it is with a sense that though all things have an end, the end in this case is one which it is not easy to realize—

“ The Angel ended, and in Adam's ear
So charming left his voice, that he awhile
Thought him still speaking, still stood fixed to hear.”

It has been the chief object and endeavour of this essay, as already said, to justify the growing fame of Mr. Wordsworth's poetry in the eyes of a few dissentients whose intellectual rank and position make it both natural and important that they should go along with the world when the world happens to go right. To such men the opinion of the world on poetical

* ‘Paradise Regained,’ Book iii. line 209.

matters is not of high authority; nor is it so, as may be imagined, to Mr. Wordsworth himself. But there is a distinction to be taken between the world's opinion when it is obtained by captivation, and the same opinion when it has formed itself by slow and difficult progress and the gradual conquest of prejudice. Lord Bacon says the maxim of Phocion as to moral matters may be well transferred to intellectual—that if the multitude shall assent and applaud, a man should forthwith examine himself to find wherein he has erred; * but this is to be understood of assent and applause by acclamation, not of the diligent and cultivated approval which creeps upon the popular mind, in the first instance from deference to the authority of competent judges, and afterwards from the genuine and heartfelt adoption of that judgment when the better part of the popular mind has been brought to the serious study of what is good. Upon that approval, coming sooner or later, but seldom very soon, the fame of Lord Bacon himself, and of Phocion, and of every other great man rests. In the case of some of the greatest English poets of former times, fame, in the loftiest sense at least of that word, was postponed till it was posthumous. In the case of Mr. Wordsworth it would have been so, had his life not been a longer one

* “Optimè traducitur illud Phocionis à moribus ad intellectualia; *ut statim se examinare debeant homines, quid erraverint aut peccaverint, si multitudo consentiat et complaudat.*”—‘Novum Organum,’ i. 77.

than theirs; for it is only within the last few years that the latent love of his poetry, which was cherished here and there in secret places amongst the wise and good, has caught and spread into a more general admiration. Had Mr. Wordsworth died, like Shakespeare, at fifty-three years of age, he would have died in confident anticipation, no doubt, of a lasting fame, but without any witness of it in this world. Had he died, like Milton, at sixty-six years of age, he would have seen more than the beginnings of it certainly, but he would not have seen it in the stage which it has now reached. But if he were to live to the age of Methuselah, he would not see the time come when there were no able and learned men indisposed, or disqualified by some unlucky peculiarity, for the appreciation of his poetry: for the human intellect, even when eminently gifted, seems in peculiar cases to be subject to some strange sort of cramp or stricture; and whilst in the full vigour of its general powers, to be stricken with particular incapacities, which, to those who are not affected by them, are as incomprehensible as the incapacity (which sometimes occurs) of the visual sense to distinguish between red and green. There have been men of acknowledged abilities to whom Milton was a dead letter,—or rather let us say, in the case of whom the living letter of Milton fell upon a dead mind; and one like instance there was in our time in which Dryden was preferred to Shakespeare. It is often in vain to minister to a mind in this state; but all such are not

incurable, and what can be done ought to be done to reduce the number of cases.

And there is one caution it may be well to convey to those who have yet to learn, and who are sincerely desirous to learn, to appreciate Mr. Wordsworth's poetry; namely, that it is to be read *studiously*. Mr. Wordsworth never intended so to write that those who ran might read. To detain for a brief moment these scampering readers is the proper aim of those who are snatching at a transient popularity; and this writing for a cursory perusal has been the bane of literature in our times and the ruin of art. But neither to this aim nor to this way of writing has Mr. Wordsworth ever lent himself. In his earlier efforts we find him wishing to write that which

“The high and tender Muses shall accept
With gracious smile, *deliberately* pleased;”

and in his valedictory effusion at the end of this volume, in which he speaks of having drawn together and classified the Sonnets, like flowerets—

“Each kind in several beds of one parterre,”—

he says he has thus disposed them in order that

“So placed his nurselings may requite
Studious regard with opportune delight.”

Those who read the Sonnets in this studious spirit will not often find that they are detained by the style longer than they would themselves wish to be for the sake of

dwelling upon the thoughts. Occasional obscurity there may be ; the sonnet is a form of poetry in which style is put under high pressure ; Mr. Wordsworth is not of course an impeccable poet : but a poet who writes for posterity, though he will bestow infinite labour upon perspicuity, will not sacrifice to it the depth and comprehensiveness which, whilst it is indispensable to the truthfulness of his conceptions, may be often irreconcilable with absolute distinctness of expression. Those writers who never go further into a subject than is compatible with making what they say indisputably clear to man, woman, and child, may be the lights of this age, but they will not illuminate another.

ESSAY ON DE VERE'S POEMS.

(First published in 1843, incorporated with one first published in 1864.)



IT was once observed in conversation by the eldest of our living poets * that there is in the poetry of the young a charm of youthfulness which, however far it may be from compensating for youth's imperfections, is still not to be met with in the poetical products of the maturer mind. It may be added that there is also a knowledge to be derived from the poetry of a rising generation which other poetry cannot yield. We know from the general cast and character of it what spirit is abroad amongst our literary and meditative youth—amongst the many who, though not gifted with any poetical utterance of their own, are nevertheless one in spirit with those who are. And this is an important class to be acquainted with for those who would look a little before them and anticipate the flower and the fruit which this

* Wordsworth, living in 1843.

bud of poetry may seem to promise—the influence over literature and society likely to be exercised by the spirit which dictates this poetry when it shall have passed on to maturity.

Those who have thought it worth while to observe the nascent poetical spirit of the last few years will have perceived that it is very different from that which ruled the poetical youth of twenty years ago. At that period there was not only a want of moral and spiritual truth in our juvenile poetry, but also an absence of moral and spiritual doctrine, whether true or false. There seemed to be no consciousness on the part of the aspirant that either his reader or himself was to have any share in the higher interests or the deeper nature of man. Superficial beauty and sentimental passion filled up the circle of his aims: the Thalassian Venus did not, according to the apologue, bring him to the Uranian; and invoking the former deity only, she heard him according to her kind; she “gave him his desire and sent a leanness into his soul withal.” These effeminacies, if not altogether extinct, have at all events ceased to be the prevailing characteristic. The sorry sensibilities of twenty years ago have given place to higher moods and worthier endeavours—

“For now ’tis stale to sigh, to weep and groan,
So woe hath wearied woe, moan tired moan.” *

Middle age has overtaken the aspirants who had nothing

* Shakespeare’s ‘Sonnets.’

to show us but the complexion of youth; and from the juvenile poets who are succeeding to them, perhaps the last thing that we should look for is the merely erotic effusion, the love-elegy, or

“— serenate which the starved lover sings
To his proud fair, best quitted with disdain.” *

A love of the unearthly is what takes its place in Mr. de Vere's *earliest* poetry, and especially in “The Fall of Rora,” of which, though the volume in which it was published has been suppressed, some portions are republished now :—

“There was silence in the heavens
When the Son of Man was led
From the Garden to the Judgment;
Sudden silence, strange and dread!
All along the empyreal coasts
On their knees the immortal hosts
Watched with sad and wondering eyes
That tremendous sacrifice.

“There was silence in the heavens
When the priest his garment tore :
Silence when that twain accursed
Their false witness faintly bore.
Silence (though a tremor crept
O'er their ranks) the Angels kept
While that judge, dismayed though proud,
Washed his hands before the crowd.”

These are the first two stanzas of an ode which takes itself off the earth altogether; but other poems

* Milton.

of this earlier date remind us of those old works of the sister art, which are divided into two compartments—one terrestrial, the other celestial—the one representing the solid earth and certain of her sons and daughters with faces upturned—the other representing the firmament with groups of glorified spirits which wing the air or tread the clouds. Neither in Mr. de Vere's poems, nor in those of any other poet, nor in the paintings, is it possible to be entirely satisfied with the upper or celestial compartments. Milton may be called up to confront this contention; but even he, though rising with a glory round his head, will be incompetent to confute it. His great work is a continued struggle with insuperable difficulties, and the victory gained is a victory, not over the difficulties, but independently of them—a victory in which the faults of the design stand out unsubdued in the execution; and the triumphs achieved are those of unrivalled powers of intellect, diction, and rhythm, affording a thousand compensations for the faults, but not in any degree abating, not even disguising them. Admire and applaud as we may, we cannot but be painfully sensible, as often as the supernatural agencies occur, that the artist has set out in a fallacious plane and elevation from the first; and that in mounting the flying steed and presuming into the Heaven of Heavens, he has unduly slighted the warning to which he himself alludes, and has in sad truth "fallen on the Aleian field, erroneous there to wander." And the more relief and

delight we find in the parts of the poem which are bound "within the visible diurnal sphere," and the more we find of surpassing excellence in the discursive and collateral passages, the more we lament the error of the poet in adopting a scheme so utterly impracticable,—exalting our imagination at the outset only to abase it as we proceed—a scheme of such celestial dignity in its aim and scope that every detail is in derogation of it and every realization felt to be false to the ideal. The example of the 'Paradise Lost,' is no evidence therefore of the claim of supernatural machinery to be admitted as a principal constituent into the highest works of art; and it may be said of its author, as Lord Bacon has said of the alchemist,* that he has endowed mankind with great treasures of invention, disclosed incidentally and *obiter*, whilst prosecuting a project which it was not in human art to accomplish.

But if it be asked whether to refuse to art in its highest efforts every glimpse of an excursion, however rapid and transitory, beyond the borders of nature, the answer is that there is a region beyond those borders, seen as through a glass darkly, into which art in its highest moods may well be allowed to deviate, provided there be no notion indulged of dwelling in it, describing it, and making it cognizable by the senses. There are supernatural agencies of a spiritual kind, which, in the way of occasional visitations, the highest art may well be

* 'Novum Organum,' i. 85.

allowed to invoke—especially those agencies which, though carried farther than nature carries them, are still in the direction of the course of nature—the gift of prophecy, for instance, carried somewhat farther than “old experience” might of itself attain to—or a supernatural significance in natural phenomena, as dreams and coincidences. And admitting these, if it be asked which specifically are not to be admitted, answer may be made they are such as present to us embodied functions out of nature and contrary to nature, and such as do not strike the mind as possible detections of the secrets of nature, but as mere inventions and additions ; and in so far as poet or painter introduces physical forms or agencies which in structure, kind, dimension, or combination, are alien from humanity, he should be regarded as no longer within the province of the highest imaginative art. The wings of angels—what are they but labels to denote that the human shape to which they are appended is to be deemed and taken to be superhuman? And as to the physical attribute which they indicate, the conception of a man that flies like a bird cannot be supposed to be a high effort of imagination. And in short, throughout every walk of art, when the attempt is made to elevate humanity above itself by means of physical adjuncts not belonging to it, the faculty employed falls short in some degree of that spiritual power of the imagination by which a true revelation is made to us of what is most sublime in the nature and destinies of man.

Henricus Morus (in one of the two enormous folios* in which he conceived that he had ensured himself a never-dying remembrance), undertakes to give an exact account of the kind of feathers with which the wings of angels were provided, and he quarrels with Vaninus for being "*tam obscenæ rationis*" as to differ from him; and if any such inculcation were wanting, we might hold ourselves indebted to his prosaic mind for thus bringing home to us what is really unpoetical in the endeavour to realize conceptions of celestial life by means of a detailed analogy with terrestrial.

Of another order are the poems which confess the faith that is in them without striving after fanciful impersonations. The few following lines, though all that is in them will not perhaps be seen at a first reading or at a second, are full of meaning, and they close with a salutary admonition admirably expressed:—

“ Mere inward feelings, self-supplanted, perish ;
 Things outward, void of spirit, ne’er had life :
 Then, either class who prizes, both must cherish,
 And learn to harmonize their natural strife.
 Christ, that in Heaven our visible nature wears,
 Permits the union, consecrates it, shares :
 And man with his own heart must be at one
 Who lives with God in genuine unison.
 The electric flame, by which, through air dispersed,
 All life of herb or animal is nursed,
 Consumes us, when compacted and intense.
 Spirit we are : yet spirit bound in Sense :

* ‘*Enchiridion Metaphysicum.*’

In Sense fast bound, though working daily through,
Till Sense grows Spirit to the Spirit's eye.
But Faith drops low, when Fancy soars too high :
We cannot clasp a rosary of dew."

This, it may be said, is alarming. We open a volume of poetry, and are we to puzzle over a lecture in divinity condensed in a poetical knot, which it would take us half an hour to untie? The answer is,—not unless you like it : and if you like it not, then pass on to a poem the merit of which is to be found in the ease, the lightness, the clear and graceful fluency, with which a story of mediæval life is made to bring before us the antique simplicity of the olden time.

‘The Infant Bridal’ is a story of mediæval childhood, fresh and pure in all its features, that carries with it the savour of the “sweet hour of prime,” and

“like a garment, wears
The beauty of the morning.”

Two neighbouring countries had been engaged in hereditary wars from age to age, till at length their respective Sovereigns fell in single combat, each by the hand of the other, leaving—the one an only son, the other an only daughter, both infants. The hostile passions of the two nations being sobered by the catastrophe of the duel which was to have decided their quarrel, it was agreed that the foundations of peace and amity should be laid in a marriage between the two infants—not a very unusual species of arrangement in the Middle

Ages.* After some account of what had seemed an interminable warfare, the nuptials are thus solemnized—

“ While the young bride in triumph home was led,
 They strewed beneath her litter branches green ;
 And kissed light flowers, then rained them on a head
 Unconscious as the flowers what all might mean.
 Men, as she passed them, knelt ; and women raised
 Their children in their arms, who laughed and gazed.

“ That pomp approaching woodland villages,
 Or shadowing convents piled near rivers dim,
 The church-bells from grey towers girt round with trees
 Reiterated their loud wordless hymn ;
 And golden cross and snowy choir serene
 Moved on, old trunks and older towers between.

* * * * *

“ The shrine is gained. Two mighty gates expanding
 Let forth a breeze of music onward gushing,
 In pathos lulled, yet awful and commanding :
 Down sink the crowds, at once their murmur hushing,
 Filled with one soul : the smooth procession slowly
 Advances with joined palms, cross-led and lowly.

“ Lo ! where they stand, in yon high, fan-roofed chamber,
 Martyrs and saints in dyed and mystic glass
 With sumptuous haloes, vermeil, green and amber,
 Flood the far aisles, and all that by them pass :
 Rich like their painter's visions—in those gleams
 Blazoning the burden of his Patmian dreams.

* *Vide* Froissart's account of the marriage of John, Earl of Cambridge, and Beātrice, daughter of the King of Portugal: “At the weddyng of these two chyldrene there was made great feaste amonge the lordes and prelates of the realme ; and as younge as they were they were layde toguyder in one bedde.”—Vol. i. p. 389, *Lord Berners' Translation*.

“ The ladies held aloft the bridal pair :
They on each other smiled, and gazed around
With unabashed delight and generous air,
Their infant brows with golden circlet bound.
The prelates blessed them, and the nobles swore
True faith and fealty by the sword they bore.

“ Home to the palace, still in order keeping,
That train returned ; and in the stateliest room
Laid down their lovely burden, all but sleeping,
Together in one cradle's curtained gloom ;
And lulled them with low melody and song,
While jest past lightly 'mid the courtly throng.”

If the spirit of Spenser were to revisit the earth in order to see what had been done in his own way since he left it, he would find nothing that would give him more pleasure than this. Nor is the childhood that follows this infancy less delightfully depicted—

“ Ah, lovely sight ! behold them—creatures twain
Hand-in-hand wandering through some verdant alley
Or sunny lawn of their serene domain,
Their wind-caught laughter echoing musically ;
Or skimming in pursuit of bird-cast shadows
With feet immaculate the enamelled meadows.

“ Tiptoe now stand they by some towering lily
And fain would peer into its snowy cave :
Now the boy bending o'er some current chilly,
The feeble backward draws him from the wave ;
But he persists, and gains for her at last
Some bright flower from the dull weeds hurrying past.

“ Oft, if some aged priest the cloister crossed,
Both hands they caught, and bade him explicate
(That nought of good through idlesse might be lost)
At large all duties of the nuptial state ;

And oft each other kissed with infant glee,
As though this were some great solemnity.

“ In some old missal sometimes would they look,
Touching with awe the illuminated page ;
And scarce for tears the spectacle might brook
Of babes destroyed by Herod's murderous rage.
Here sank a martyr in ensanguined vest :
With more familiar smile there beamed the Virgin blest.”

The children grew up good,—that is, not naughtier
than children must be and ought to be : they quarrelled
but seldom ; and they were the better no doubt for the
following grave and politic admonition addressed to them
by “ an ancient dame,” their nurse—

“ The turtle, widowed of her mate, no more
Lifts her lone head, but pines, and pining dies ;
In many a tomb 'mid yon Cathedral hoar
Monarch or Knight beside his lady lies :
Such tenderness and truth they showed, that fate
No power was given their dust to separate.

“ Rachael not less, and Ruth, whereof men read
In book ordained our life below to guide,
Loved her own husband each, in word and deed,
Loved him full well, nor any loved beside :
And Orpheus too, and Pyramus men say,
Though Paynim born, lived true, and so shall live for aye.

“ What makes us, children, to good Angels dear ?
Unblemished Truth and hearts in sweet accord :
These also draw the people to revere
With stronger faith their King and Sovereign Lord :
Then perfect make your love and amity
Alway : but most of all if men are by.”

At twelve years of age the boy follows the standard of the Cross to Palestine ; and, after some years spent in the wars, to his great honour and glory, he returns to the home and wife of his childhood—

“ Strange joy they found all day in wandering over
 The spots in which their childish sports had been,
 Husband and wife whilome, now loved and lover.
 A broken light brightened yet more the scene :
 Night came : a gay yet startled bride he led,
 Old rites scarce trusting, to the bridal bed.

“ No more remains of all this grand old story.
 They loved with love eternal : spent their days
 In peace, in good to man, in genuine glory.
 No spoils unjust they sought, or unjust praise.
 Their children loved them, and their people blest—
 God grant us all such lives—in Heaven for aye such rest !

“ But ye profane and unbelieving crowd
 Who dare to mock our childish bridal, cease !
 Make answer first, and answer make aloud,
 Unblest was that which gave two kingdoms peace ?
 Much less, much less the high-souled Muse approves
 Grey hairs in rage and hate than infant loves !”

There is nothing for which Mr. de Vere's poetry is more remarkable than its variety—variety of theme, variety of mood, variety in the faculties exercised, in the regions it frequents or visits. No account can be given of it otherwise than by extracts, and of course these can give an account only of isolated effects. In not a few of his poems there is a jocund and jubilant

spirit. We come upon others, and then we know and feel that his Muse is at home in the house of mourning—

“Count each affliction, whether light or grave,
 God's messenger sent down to thee. Do thou
 With courtesy receive him : rise and bow,
 And ere his shadow pass thy threshold, crave
 Permission first his heavenly feet to lave.
 Then lay before him all thou hast. Allow
 No cloud of passion to usurp thy brow,
 Or mar thy hospitality ; no wave
 Of mortal tumult to obliterate
 The soul's marmoreal calmness. Grief should be,
 Like joy, majestic, equable, sedate :
 Confirming, cleansing, raising, making free ;
 Strong to consume small troubles ; to commend
 Great thoughts, grave thoughts, thoughts lasting to the end.”

If in this and in many other poems he recognizes the elevating and tranquillizing power of pain, in none of those which are in the opposite mood, does the spirit of enjoyment savour of any such sentiments as would lead us to fear pain or to fly from it ; rather would they teach us to rely upon its power of stirring the deeper affections, and through love passing into a purer joy and a profounder peace ; not visiting the heart as a tormentor, but rather on the same mission as that of the Angel who descended from time to time to trouble the waters of the pool of Bethesda.

If a personal affliction is to be thus regarded, how is it with a national affliction ? It is rarely that poems struck out by public and passing events have been very impressive ; whether it be that the poetical imagination

tends to reject the real and the present for its theme, or that the mind of the reader, pre-occupied by fact, does not lend itself easily to impressions from poetry. It is possible, however, that poems of the occasional kind may be eminently poetical. Milton's on the Piedmontese Massacre is one instance ; Southey's on the Funeral of the Princess Charlotte, and on the Negotiations for Peace with Buonaparte in 1814, and Mr. Tennyson's on the Funeral of the Duke of Wellington, are others ; and there are several scattered through the works of Wordsworth. Mr. de Vere, in a series of four poems, under the title of 'The Year of Sorrow,' has treated of the spring, summer, autumn, and winter of the year of the great famine in Ireland. Of these four the last is this—

"THE YEAR OF SORROW.

WINTER.

" Fall, snow, and cease not ! Flake by flake
The decent winding-sheet compose ;
Thy task is just and pious ; make
An end of blasphemies and woes.

" Fall flake by flake ! by thee alone,
Last friend, the sleeping draught is given ;
Kind nurse, by thee the couch is strown—
The couch whose covering is from heaven.

" Descend and clasp the mountain's crest ;
Inherit plain and valley deep :
This night, in thy maternal breast,
A vanquished nation dies in sleep.

- “ Lo ! from the starry Temple gates
Death rides, and bears the flag of peace ;
The combatants he separates :
He bids the wrath of ages cease.
- “ Descend, benignant Power ! But O,
Ye torrents, shake no more the vale ;
Dark streams, in silence seaward flow ;
Thou rising storm, remit thy wail.
- “ Shake not, to-night, the cliffs of Moher,
Nor Brandon's base, rough sea ! Thou Isle,
The rite proceeds ! From shore to shore,
Hold in thy gathered breath the while.
- “ Fall, snow ! in stillness fall, like dew,
On temple's roof and cedar's fan ;
And mould thyself on pine and yew,
And on the awful face of man.
- “ Without a sound, without a stir,
In streets and wolds, on rock and mound,
O omnipresent Comforter,
By thee, this night, the lost are found !
- “ On quaking moor, and mountain moss,
With eyes upstaring at the sky,
And arms extended like a cross,
The long-expectant sufferers lie.
- “ Bend o'er them, white-robed Acolyte !
Put forth thine hand from cloud and mist,
And minister the last sad rite
Where altar there is none, nor priest.
- “ Touch thou the gates of soul and sense ;
Touch darkening eyes and dying ears ;
Touch stiffening hands and feet, and thence
Remove the trace of sin and tears :

“ And ere thou seal those filmèd eyes,
 Into God's urn thy fingers dip,
 And lay, 'mid eucharistic sighs,
 The sacred wafer on the lip.

“ This night the absolver issues forth :
 This night the Eternal Victim bleeds :
 O winds and woods—O heaven and earth,
 Be still this night. The rite proceeds !”

The subject of this poem and of its companions in the ‘Year of Sorrow,’ is not only of that public, real, and recent nature which is so seldom impressively dealt with in verse, but it is likewise so large and general in its scope as to be not easily tractable, unless to an imaginative faculty of a peculiar kind. But though it is more easy to represent in a manner to affect the feelings, a fabulous than a real catastrophe, and a catastrophe to an individual than one which has fallen upon a nation, yet when the way *is* found to bear in upon the mind the wider and the matter-of-fact tragedy, the tragic effect is rather deepened than flattened by vastness and reality in the theme.

The sonnet quoted above is one of many. It is difficult to say in what way, except by accident, this form came to be regarded as especially fitted for amatory admiration or complaint. Wordsworth has told us that—

“ The gods approve
 The depth and not the tumult of the soul,
 A fervent, not ungovernable love.”

If so, the love which the gods approve may, no doubt,

be adequately expressed in a sonnet. But to the impetuosities of passion it is not fitted to give utterance; and it is singular that the first of the great masters who adopted the form in Italy has no sooner given birth to an amatory sonnet than he proceeds to analyse and expound his own effusion (God forgive him!) with the soul of a critic and commentator: "Questo sonetto ha due parte principali, che nella prima intendo chiamare i fedeli d'amore per quelle parole di Geremia profeta,—oh vos omnes, qui transitis per viam, attendite et videte, si est dolor sicut dolor meus," &c. And so throughout the *Vita Nuova* every sonnet is followed by its argument and exposition. Nor did the great sonneteer who followed next break the bounds of his form so as to give utterance to any abandoned or tumultuous cries. There is indeed a deep and exquisite tenderness in Petrarch, but his sadness is luxurious, not tempestuous. Spencer,

"Disguising diversely his troubled wits," *

found expression in the sonnet for such amatory emotions as were natural to him; but it was a gentle perturbation. The spirit and passion of Shakespeare no form could always and absolutely confine; but in his sonnets it is often in a single line or little more that the passion is thrown out, the rest being but the tail of the comet—

"Farewell! thou art too dear for my possessing."—

There is the sonnet! It is by that line that we remember

* Fifty-fourth Sonnet.

it, and the other thirteen we scarcely care to recall. As to Milton, when he was writing in Italian, or on an Italian model, he borrowed the theme as well as the form; but writing out of his own mind and mood, it would have been no more in his way to sigh forth an amatory sonnet than to deliver himself of a madrigal or an acrostic. And it was he perhaps chiefly who brought about the conversion of the sonnet to other than amatory purposes. Wordsworth, who had to guard against a tendency to be redundant and discursive, found the form convenient, and gathered his thoughts into sonnets, as a reaper gathers the corn into sheaves: and though his nature was vehement, it was a governed ardour only that was permitted to appear in his verse; and when he sang of love, it was "such love as spirits feel,"—too impersonal to be impassioned.*

Of the few of Mr. de Vere's sonnets which are amatory, it may be said that if there is felt to be a passion in them it is rather because the passion is felt to be suppressed than because it is felt to be declared; and the force they certainly possess is due perhaps to a certain realizing plainness in the enunciation of the relations of feeling which are the subject. A sonnet entitled 'Incompatibility' is an instance—

"Forgive me that I love you as I do,
Friend patient long; too patient to reprove

* I ventured once to ask him whether it was not otherwise in the case of the sonnet beginning, "Why art thou silent?" "No," he said, "merely an act of the intellect."

The inconvenience of superfluous love.
 You feel that it molests you, and 'tis true.
 In a light bark you sit, with a full crew.
 Your life full-orbed, compelled strange love to meet,
 Becomes, by such addition, incomplete :—
 Because I love I leave you. O adieu !
 Perhaps when I am gone the thought of me
 May sometimes be your acceptable guest.
 Indeed you love me : but my company
 Old time makes tedious ; and to part is best.
 Not without Nature's will are natures wed :—
 O gentle Death, how dear thou mak'st the dead !”

As it is in the first line of that sonnet of Shakespeare's which has been quoted, so is it in the last line of this, that the depth of the feeling is divulged. The rest is accessory. And when we read the opening lines of another sonnet,—

“The spring of my sweet life thou madest thine,
 And on my summer glories thou hast fed,”—

again, as in Shakespeare's, we seem to hear in one bar the *motive* of the strain, and to feel it so fully that we hardly want what follows ; we could do it for ourselves. In another there is a moral strength, bordering on a moral sternness, which almost takes it out of the category of amorous effusions :—

“TROILUS AND CRESSIDA.

“Had I been worthy of the love you gave
 That love withdrawn had left me sad but strong ;
 My heart had been as silent as my tongue,
 My bed had been unfevered as my grave ;

I had not striven for what I could not save ;
 Back, back to heaven my great hopes I had flung ;
 To have much suffered, having done no wrong,
 Had seemed to me that noble part the brave
 Account it ever. What this hour I am
 Affirms the unworthiness that in me lurked :
 Some sapping poison through my substance worked,
 Some sin not trivial, though it lacked a name,
 Which ratifies the deed that you have done
 With plain approval. Other plea seek none.

The sonnet entitled 'Poland' would seem to have been written in or before 1848, and may be read by the light of 1863 and 1864.

"Lo, as a prophet, old, and fierce, and gaunt,
 Spurning the plains, when some detested foe
 His country and his country's hearths lays low,
 Makes in the mountain walls his caverned haunt :
 There lurks ; thence leans ; half blind, yet vigilant ;
 Watches red morning tinge the ensanguined snow ;
 And bends his ear, and says, 'Thy foot is slow,
 Deliver ! see thy vengeance be not scant'—
 Not otherwise a trampled Nation waits,
 Regioned in fell resolve : her heart thus feeds
 On iron : muses thus on coming fates ;
 Revels in rapture of predestined deeds :
 And finds at last the hour, and finds the way :—
 Let sceptre-wielding Rebels fear that day !"

The "red morning" has dawned once again, and again the snow is ensanguined, and the prophetic soul of Poland, instead of "dreaming on things to come" or "revelling in the rapture of predestined deeds," is once more in action and in agony,—only, if appearances may be trusted, to be again hunted back to its "caverned

haunt," there to dream in a still fiercer spirit than before, with more dreadful wrongs to revenge, over which it will not cease to brood, and with deeds as dreadful of its own to look back upon, for which it will feel no penitence, because the spirit of revenge and the spirit of repentance cannot dwell together. And these dark nights of dreaming and these red mornings must be expected to alternate, until to the prophetic soul of that people shall be united a substantial body more in harmony with its impulses and better fitted to be its organ. If the body of the Polish people had been of the English or Scotch or Dutch or Tyrolese, and not of the Irish or Oriental type, it would not have been hitherto tyrannically governed by Russia, nor would there be a possibility that, revolting from that tyranny, it should again undergo the somewhat grievous oppression from which it suffered under the Nobles and the cultivated, patriotic, and ambitious classes of its own race. The sonnet represents the nation as the prophet. The question is, Where in the body of the nation is the seat of the prophetic soul? When it shall pervade the body, then, or soon after, will its prophecies be self-fulfilled.

A sonnet entitled 'Conversion' would seem to have been occasioned by the conversion of an infidel or sceptic to Christianity, but not to that form of Christian faith which the poet would have preferred.

" Loud as that trumpet doomed to raise the dead
God's voice doth sometimes fall on us in fear :

More often with a music low yet clear,
 Soft whispering, 'It is I; be not afraid.'
 And sometimes mingling strangely joy with dread,
 It thrills the spirit's caverned sepulchre,
 Deep as the voice which on the awe-struck ear
 Of him, the three-days-buried, murmuring said,
 'Come forth,'—and he arose. O Christians, hail
 As brethren all on whom our glorious Sun
 At morn, at noon, or latest eve, hath shone
 With light and life; and neither mourn nor rail
 Because one light, itself unchanging, showers
 A thousand colours on a thousand flowers."

The last lines may be taken as a poetical expression of that tolerant but pious philosophy by which Lord Bacon was guided when he was led to regard differences of opinion in religion as indicating reality of belief, and identity of professed opinion as indicating no opinion at all. "Reason teacheth us that in ignorance and implied belief it is easy to agree, as colours agree in the dark; or if any country decline into Atheism, then controversies wax dainty, because men do think religion scarce worth the falling out for. *So as it is weak divinity to account controversies an ill sign in the church.*"*

One sonnet more—

"TO AN INFANT.

"Familiar Spirit, that so graciously
 Dost take whatever fortune may befall,

* 'Certain observations made upon a libel published this present year, 1552.'—Spedding's 'Letters and Life of Lord Bacon,' vol. i. p. 165.

Trusting thy fragile form to the arms of all,
 And never counting it indignity
 To be caressed upon the humblest knee ;
 Thou, having yet no words, aloud dost call
 Upon our hearts ; the fever and the gall
 Of our dark bosoms are reproved in thee.
 From selfish fears and lawless wishes free,
 Thou hast no painful feeling of thy weakness ;
 From shafts malign and pride's base agony
 Protected by the pillows of thy meekness :
 Thou hast thy little loves which do not grieve thee
 Unquiet make thee, or unhappy leave thee."

Mr. de Vere's songs, though not so numerous as his sonnets, are not a few ; and perhaps no poet has written *many* songs of which some were not all that a song should be ; for there is more of haphazard and the felicity of the moment in the case of a song than in that of any other form of verse ; and a man cannot make so sure of what is ejaculated as of what is concocted,—of his song as of his sonnet. When the Oriental critic, disparaging a certain other poet in comparison with Hafiz, says that "like him he flung the jereed carelessly, but not like him to the mark," the rejoinder might have been that there is no such thing as careless hitting of the mark, except by rare and happy accident. It is perhaps to such accidents that many songs owe their charm ; and to accidents which are not happy that so many more owe their infelicity ; and at all events there is no space in the compass of a song for compensating failure at one point by success at another, and the song must be either a total and undivided success or not successful at all. More-

over, there is the difficulty of being brief, presented in its most inevitable form. Sterne says, "Let no man say to himself—come, I will write a duodecimo;" and still less should a man resolve to write a song, unless the song have presented itself to him under a sufficient assurance that it will come to an end with the first impulse:

Mr. de Vere's best songs are not of the light and bounding movement which was so popular thirty or forty years ago—a movement so sensuous and saltatory as to push aside the finer spirits of song. Something more gentle and sedate will now be appreciated—

"When I was young, I said to Sorrow,
 'Come, and I will play with thee.'
 He is near me now all day,
 And at night returns to say,
 'I will come again to-morrow,
 I will come and stay with thee.'

"Through the woods we walk together;
 Soft his steps that rustle nigh me:
 To shield an unregarded head
 He hath built a winter shed;
 And all night in winter's weather,
 I hear his gentle breathings by me."

The vein here is less that of the present century than of two or three hundred years ago—of Herbert or Hervie or Crashaw; and its panegyric might be written in the words of the last—

"Not in the evening's eyes
 When they red with weeping are,
 For the Sun that dies,
 Sits sorrow with a face as fair;

Nowhere but here did ever meet
Sweetness so sad, sadness so sweet." *

Nor is it other than a merit in a song to be more like the songs of the past than those of the present time. The half-proverbial expression by which "an old song" is made to represent something of singularly small value, has come down to us from at least as early a time as the reign of Henry VIII., for it is used by Sir Thomas More; but it seems rather out of date now: for whatever those may have been which have passed out of memory, the old songs that are still with us have a value set upon them which is scarcely accorded to any that are new. "This thing or that," Mr. Landor observes, "is often said not to be worth an old song. Alas! how few things are!" In the song that follows, there is a touch, though little more than a touch, of the modern muse:—

" My hope, in happier days than these ;
 My Love (hope past)—
Memory's one star on lonely seas :
 My anchor, last !
Why askest thou, with soft surprise,
 And that mild glee,
Wherefore I turn, still turn mine eyes
 From all, to thee ?

" The blind man turns—and none forbids—
 Into sunshine
His filmy, cold, unlighted lids :
 The deaf incline

* Crashaw's '*Steps to the Temple*.'

Toward harps whence sounds, to them not borne,
 Flow, light and free ;
 To graves long cherished hearts forlorn ;
 And I to thee."

The mirth and merriment which used to dance attendance upon the Spirit of Song have now dropped off, and Sadness is its ministering Angel. Drinking songs have had their day and we are no longer admonished that—

"He that goes to bed,
 Goes to bed sober,
 Falls as the leaves do,
 Falls as the leaves do,
 Falls as the leaves do,
 And dies in October ;"

or instructed that—

"He that goes to bed,
 Goes to bed mellow,
 Lives as he ought to do,
 Lives as he ought to do,
 Lives as he ought to do,
 And dies an honest fellow."

Such songs are no longer written now, any more than the satires, their cotemporaries, which took no note of them or of the vice they applauded, and which perhaps, if they had, would have done nothing in the way of correction. Satires have indeed been more frequently an offence in themselves than effective in the chastisement of offences. As Swift observes, "There is no other so insensible a member as the World's posteriors ;" and it is not much to be regretted that in this century the lash of

the Satirist has been laid aside.* There is more reason to regret that the Spirit of Song has gone into mourning ; or appears but seldom in any other garb. Welcome, therefore, are some of Mr. de Vere's songs ; which, in no mood of boisterous mirth, but with a pleasant sportive-ness, remind us that light hearts can be playmates of the Muse.

“ Give me back my heart, fair child ;
 To you as yet t'were worth but little.
 Half beguiler, half beguiled,
 Be you warned ; your own is brittle ;
 I know it by your redd'ning cheeks,
 I know it by those two black streaks
 Arching up your pearly brows
 In a momentary laughter,
 Stretched in long and dark repose
 With a sigh the moment after.

“ ‘ Hid it ! dropt it on the moors !
 Lost it, and you cannot find it ’—
 My own heart I want, not yours ;
 You have bound and must unbind it.

* Some years ago, a volume of strange, incoherent, not altogether unpoetical, but often unintelligible verses, was printed, and a notice advertising it was placarded along the roads through which the body of a young female performer in horsemanship passed to its grave. A copy of it was put into my hands, and opposite the title-page was this quatrain—

“ Leaves faded and sombre and ruddy,
 Dead fruits of the fugitive years,
 Some stained as with wine and made bloody,
 And some as with tears.”

Who was the author of the lines I have not been told, but no one acquainted with our recent poetry can doubt. They are worth fifty satires.

Set it free then from your net ;
We will love, Sweet—but not yet ;
Fling it from you ; we are strong ;
Love is trouble, love is folly ;
Love, that makes an old heart young,
Makes a young heart melancholy."

Something between these pleasantries of some songs, and the deeper and melancholy mood of others, is the invocation which follows,—neither gay nor mournful, and rather tender than passionate :—

" Softly, O midnight hours,
Move softly o'er the bowers,
Where lies in happy sleep a girl so fair ;
For ye have power, men say,
Our hearts in sleep to sway,
And cage cold fancies in a moonlight snare :
Round ivory neck and arm
Enclasp a separate charm ;
Hang o'er her poised ; but breathe nor sigh nor prayer ;
Silently ye may smile,
But hold your breath the while,
And let the wind sweep back your cloudy hair.

" Bend down your glittering urns,
(Ere yet the dawn returns)
And star with dew the lawn her feet shall tread ;
Upon the air rain balm ;
Bid all the woods be calm ;
Ambrosial dreams with healthful slumbers wed ;
That so the Maiden may
With smiles your care repay
When from her couch she lifts her golden head ;
Waking with earliest birds,
Ere yet the misty herds
Leave warm 'mid the grey grass their dusky bed."

The last line brings with it an indication that something should be said of Mr. de Vere's powers in the picturesque. And it is singular that the most eminent manifestation of those powers is to be seen in two of his *odes*, the 'Ode on the Ascent of the Alps,' and the 'Ode to the Daffodil.'* It might be thought that the lyrical form was not the best fitted for description; but these odes are strong to persuade an opposite belief; or, at least, the belief that the fitness or unfitness depends less on the form than on the hands by which it is handled; and that, if the feeling for nature be genuine, it may very well and very buoyantly sustain the descriptive presentation along with the lyrical impulse. The appearances described should, however, be distinct, so as to be rapidly passed in review without confusion; and if minute, the minutiae should be bright and characteristic. Mr. Wordsworth is, without doubt, the highest authority on descriptive poetry; and his authority may be quoted for the preference to be given in description for what is remembered over what is actually before the eyes. He objected † to some of Sir Walter Scott's descriptions, derived from notes taken on the spot, inasmuch as a close copy from nature must include some disfigurements, whereas the memory will leave behind what is insignificant, unworthy, and inharmonious, pre-

* Now, in 1878, the 'Autumnal Ode' is to be added;—with which few indeed in the language can take rank.

† In conversation.

sending only what is congruous and impressive. If this be true doctrine in respect of picturesque poetry in general, it is especially applicable to picturesque lyrics ; in which the flow of feeling, though it may have its checks and changes and be not unbroken, should suffer no interruption from entanglement in any but vivid and characteristic details. The *vernal* feeling is that which inspires the 'Ode to the Daffodil.' It is in this country a mixed and composite feeling, as we all know ; for if here, as elsewhere, we feel spring to be the season of hope, we do not forget how often it is the season of hope deferred ; and if we rejoice in the gleams from earth and sky, and win some solace or sanguine anticipation from the young adventurers of the time—the anemones or the

“Daffodils

That come before the swallow dares, and take
The winds of March with beauty—”

yet we know that all the beauty of the daffodils cannot so soften the winds of March, but that they will search out our little infirmities and make us wish that the unfriendly month were well over. It is this mixed and tempered feeling which we find in the 'Ode to a Daffodil' :—

“O love-star of the unbeloved March,
When, cold and shrill,
Forth flows beneath a low, dim-lighted arch
The wind that beats sharp crag and barren hill,
And keeps unfilmed the lately torpid rill !

* * * * *

"Herald and harbinger ! with thee
 Begins the year's great jubilee !
 Of her solemnities sublime
 (A sacristan whose gusty taper
 Flashes through earliest morning vapour),
 Thou ring'st dark nocturns and dim prime.
 Birds that have yet no heart for song
 Gain strength with thee to twitter ;
 And, warm at last, where hollies throng,
 The mirrored sunbeams glitter.
 With silk the osier plumes her tendrils thin :
 Sweet blasts, though keen as sweet, the blue lake wrinkle ;
 And buds on leafless boughs begin
 Against grey skies to twinkle.

* * * * *

"To thee belongs the youngling of the flock,
 When first it lies, close-huddled from the cold,
 Between the sheltering rock
 And gorse-bush slowly overcrept with gold.
 Thou laugh'st, bold outcast bright as brave,
 When the wood bellows, and the cave,
 And leagues inland is heard the wave !
 Hating the dainty and the fine
 As sings the blackbird thou dost shine !
 Thou com'st while yet on mountain lawns high up
 Lurks the last snow-wreath, by the berried breer,
 While yet the black spring in its craggy cup
 No music makes or charms no listening ear.
 Thou com'st while from the oak stock or red beech
 Dead Autumn scoffs young Spring with splenetic speech ;—
 When in her vidual chastity the Year
 With frozen memories of the sacred past
 Her door and heart makes fast,
 And loves no flower save those that deck the bier :—
 Ere yet the blossomed sycamore
 With golden surf is curdled o'er ;
 Ere yet the birch against the blue
 Her silken tissue weaves anew.

Thou com'st while, meteor like 'mid fens, the weed
 Swims, wan in light ; while sleet-showers whitening glare ;—
 Weeks ere by river brims, new furred, the reed
 Leans its green javelin level in the air.

“ Child of the strong and strenuous East !
 Now scattered wide o'er dusk hill bases,
 Now massed in broad, illuminate spaces ;—
 Torchbearer at a wedding feast
 Whereof thou mayst not be partaker,
 But mime, at most, and merry-maker ;—
 Phosphor of an ungrateful sun
 That rises but to bid thy lamp begone :—

Farewell ! I saw

Writ large on woods and lawns to-day that Law
 Which back remands thy race and thee
 To hero-haunted shades of dark Persephone.
 To-day the Spring has pledged her marriage vow :
 Her voice, late tremulous, strong has grown and steady :
 To-day the Spring is crowned a queen : but thou
 Thy winter hast already !
 Take my song's blessing, and depart,
 Type of true service—unrequited heart.”

Next shall come one of those curious poems, ‘Ione, Glaucus, and Lycius,’ called, when first published, in 1843, by the name of ‘Idylls ;’ a name now no longer retained, probably because it has been since appropriated by a more popular poet to poems of a different kind. The classic grace and delicate humour of ‘Lycius’ is neither like the Idylls of the other poet,—nor like anything else that I know :—

“LYCIUS.

“ Lycius ! the female race is all the same !
 All variable, as the Poets tell us ;

Mad through caprice—half way 'twixt men and children.
 Acasta, mildest late of all our maids,
 Colder and calmer than a sacred well,
 Is now more changed than Spring has changed these thickets :
 Hers is the fault, not mine. Yourself shall judge.
 From Epidaurus, where for three long days
 With Nicias I had stayed, honouring the God,
 Last evening we returned. The way was dull,
 And vexed with mountains : tired ere long was I
 From warding off the oleander boughs
 Which, as my comrade o'er the stream's dry bed
 Pushed on, closed backward on my mule and me ;
 The flies maintained a melody unblest ;
 While Nicias, of his wreath Nemean proud,
 Sang of the Satyrs and the Nymphs all day
 Like one by Esculapius fever-smitten.
 Arrived at eve we bathed ; and drank, and ate
 Of figs and olives till our souls exulted.
 Lastly we slept like Gods. When morning shone,
 So filled was I with weariness and sleep
 That as a log till noon I lay ; then rose,
 And in the bath-room sat. While there I languished,
 Reading that old, divine and holy tale
 Of sad Ismenè and Antigonè,
 Two warm soft hands flung suddenly around me
 Closed both mine eyes ; and a clear, shrill, sweet laughter
 Told me that she it was, Acasta's self,
 That brake upon my dreams. ' What would you, child ?
 ' Child, child ! ' Acasta cried : ' I am no child—
 You do me wrong in calling me a child !
 Come with me to the willowy river's brim :
 There read, if read you must.'

Her eyes not less
 Than hands uplifted me, and forth we strayed.
 O'er all the Argolic plain Apollo's shafts
 So fiercely fell, methought the least had slain
 A second Python. From that theatre
 Scooped in the rock the Argive tumult rolled.

Before the fane of Juno seven vast oxen
Low'd loud, denouncing Heaven ere yet they fell :
While from the hill-girt meadows rose a scent
So rich, the salt sea odours vainly strove
To pierce the fumes it curled about my brain
And sting the nimbler spirits. Nodding I watched
The pale herbs from the parched bank that trailed,
Bathing delighted in voluptuous cold,
And scarcely swayed by the slow-winding stream.
I heard a sigh—I asked not whence it came :
At last a breeze went by, to glossy waves
Rippling that steely flood ; I noted then
The reflex of the poplar stem thereon
Curled into spiral wreaths, and toward me darting
Like a long, shining water-snake : I laughed
To see its restlessness. Acasta cried,
' Read—if you will not talk or look at me ! '
Unconsciously I glanced upon the page,
Bent o'er it, and began to chant that chorus,
' Favoured by Love are they that love not deeply,'
When leaping from my side she snatched the book,
Into the river dashed it, bounded by,
And, no word spoken, left me there alone.
Lycius ! I see you smile : but know you not
Nothing is trifling which the Muse records,
And lovers love to muse on ? Let the Gods
Act as to them seems fitting. Hermes loved—
Phœbus loved also—but the hearts of Gods
Are everlasting like the sun and stars,
Their loves as transient as the clouds. For me
A peaceful life is all I seek, and far
Removed from cares and from the female kind ! ”

This Grecian colouring and costume invests no small portion of Mr. de Vere's poetry ; taking many forms—a few of them light, like this ; more of them grave : and Grecian life, Grecian art, and Grecian mythology, are

dealt with, sometimes for the love of their beauty, sometimes for the searching out of their meaning or the tracing of the analogies by which, under the operation of the spiritual and intellectual element common to humanity in all times and countries, they connect themselves with subsequent and possibly also with precedent systems of philosophy or forms of faith. And in these latter dealings Mr. de Vere seems rather to cling to some such theory as that adopted by Bacon in his tract 'De Sapientiâ Veterum'—according to which the mythological fables of the Greeks are the symbolic exponents of an elder physical and psychological philosophy whereof no record remains—than to adopt the theory of Professor Max Müller, who regards them as due to the mere verbal impersonations of aboriginal language (not yet furnished with words from abstract ideas), which verbal impersonations, as language advanced, mistranslated themselves into traditional gods and heroes. The Baconian theory is no doubt the more poetical of the two, and the richer in the fruits of interpretation; and what can be done by a free and fruitful interpretation, Lord Bacon well knew, and amply exemplified, whether applying it to the proverbs of Solomon or to the mythology of Greece. Nor is Mr. de Vere's philosophy of mythology less large and discursive: and it is most prominently announced in the 'Lines written under Delphi':—

“Phœbus Apollo ! loftiest shape of all
That glorified the range of Grecian song,

By Poet hymned or Shepherd, when the rocks
 Confessed the first bright impress of thy feet ;
 By many an old man praised when Thracian blasts
 Sang loud and pine-wood stores began to fail ;
 Served by the sick man searching hill and plain
 For herb assuasive ; courted by sad maids
 On whose pure lips thy fancied kiss descended
 Softly as vernal beam on primrose cold ;
 By Fortune's troubled Favourites ofttime sued
 For dubious answer, then when Fate malign,
 Mounting beyond the horizon of high Hopes,
 Her long fell glance had cast on them—Apollo !
 Who, what wert thou ? ”

He absolutely rejects the supposition that Apollo and his Olympian kindred were the mere creations of a fabling fancy, and regards them rather as the embodiment of what remained to man of spiritual instincts after the Fall; and as containing, in an early stage of development and under much sensuous depravation, the germs of spiritual life destined eventually to spring up in man regenerate ; towards which end they were to operate by animating the intellect and imagination of man, and organizing his social existence—

“ Were these but fancies ? O'er the world they reared
 The only empire verily universal
 Founded by man : for Fancy heralds Thought ;
 Thought Act ; and Nations Are as they Believe.

* * * * *

O ! frank and graceful life of Grecian years !
 Whence came thy model ? From the Grecian heaven.
 The loves and wars of Gods, their works and ways,
 Their several spheres distinct yet interwreathed,
 By Greece were copied on a lesser stage.

Our thoughts soar high to light our paths on earth ;
 Terrestrial circles from celestial take
 Their impress in men's science ; stars unreached
 Our course o'er ocean guide ; Orphean sounds
 The walls of cities raised ; thus mythic Bards
 For all the legislators legislated !

* * * * *

Though fallen, man was great,
 Remembering ancient greatness : Hymn and tale
 Held, each, some portion of dismembered Truth,
 Severely sung by Poets wise and brave.
 They sang of Justice, God's great attribute,
 With tragic buskin and a larger stride
 Following the fated victim step by step :
 They sang of Love crowning the toils of life :
 Of Joy they sang ; for Joy, that gift divine,
 Primal and winged creature, with full breath
 Through all the elastic limbs of Grecian fable
 Poured her redundant life ; the noble tongue,
 Strong as the brazen clang of ringing arms,
 Sweetening with vowels like the laugh of Gods :
 Of heavenly Pity, Prophet-like they sang ;
 And, feeling after Good though finding not,
 Of Him that Good not yet in flesh revealed,
 By ceaseless vigils, tears, and lifted palms,
 And yearnings infinite and unrepressed,
 A separate and authentic witness bore.
 Thus was the end foreshown."

This is something like the 'Teste David cum Sibyllâ' of the Mediæval Church, though with an earlier date and a wider scope. It may claim, perhaps, to have a less spurious foundation ; though still the foundation must be sought in nothing more definite than the correlations of all exalted moral and spiritual truth, and the gravitation of each portion of moral and spiritual truth towards

moral and spiritual truth in its unity and wholeness. In this sense, the great Pagan poets may have been unconsciously prophetic of Christianity, inasmuch as they maintained the memory and promoted the dominion of certain primal truths, first promulgated when "in the beginning was the word ;" and inasmuch as, by so doing, they were the voice of one crying, "Make straight the way of the Lord : " and, in this sense—

" Blind Thamyris and blind Mæonides
And Tiresias and Phineus, Prophets old,"—

may have been, though without divine inspiration, each in his degree, a prophet of Christ, foreshowing what he did not foresee ; and as the star of an intermediate and imperfect Epiphany, casting a glimmer of primal light on the path which led the heathen from the birthplace of the first Adam to that of the second. But here let us see what we are about ; and when we are told that the Grecian poets and the Grecian mythology—

" A separate and authentic witness bore "

to the coming of Christ, it may be well to guard ourselves against any general and indefinite assent ; and maintain that they can only be so considered so far forth as they recognized the truth that God is Love, and that Love is to be the ultimate salvation of mankind : nor is it more than in a small measure that even the purest and highest of the Grecian poets, or the least terrestrial of the Grecian apotheosis of attributes, fulfilled this condition.

Nevertheless, these 'Lines written under Delphi' are well worthy of consideration in matter of doctrine ; and in matter of poetry full of life and light.

Of the poems on Grecian subjects, the 'Search after Proserpine' is the longest and most brilliant, and the lightest in its lyrical movements. In this there is no moralizing of mythological meanings ; and the fancy of the poet, casting off the robes of philosophy, rambles, with a free and musical step, from fountain to forest and from forest to sea-shore, in company with the disconsolate Ceres, who asks of nymphs and wood-gods and nereids, what they can tell her of Proserpine :—

“ I've searched the deep Sicilian meads,
And sacred Latium, where of yore
Saturn hid his forehead hoar :
I've sought her by the Alphean reeds :
Where solitary Cyclops squanders
On the unlistening oleanders
Vain song that makes the sea-wells quiver,
I've sought my child, and seek for ever.

“ By Cretan lawns and vales oak-sprinkled,
By sands of Libya, brown and wrinkled,
And where for leagues, o'er Nile, is borne
The murmur of the yellowing corn,
And where o'er Ida's sealike plain
White, waving harvests mock the main ;
Past Taurus, and past Caucasus,
Have I been vainly wandering thus ;
In vain the Heavens my absence mourn,
And Iris' self in vain is faint
With wafting down their fond complaint :
O'er earth, unresting though outworn,
I roam for aye, a shape forlorn ! ”

Then follows a chorus of fountain nymphs, and Ceres, attracted to the spot, makes her accustomed appeal—

“ CERES.

Fair nymphs ! whose music o'er the meadows gliding
Hath been your gentle herald, and for me
A guide obsequious to this spot—fair nymphs !
Fair graceful nymphs, my daughter's sweet companions,
Say, say but where she dwells ; asking from me,
In turn, what boon you will.

NYMPHS.

Alas, we know not !

CERES.

May the pure ripple of your founts for ever
Leap up, unsoiled, against their verdurous banks ;
May your fresh kisses ripple up as lightly,
As softly, and with undiscovering noise,
Against the embowering arms of prisoning lovers,
Shadowing the charms they seek !

NYMPHS.

We have no lovers.

CERES.

No, and need none. Alas, Proserpina,
Thou wert as these ! so innocent no fountain,
Nor half so gay ; no flower so light, so fair.
Ah, fair mild nymphs, my daughter's sweet companions !
May Jove, as ye run by, make blind the eyes
Of Wood-gods and the Fauns ; in matted ivy
Tangle their beards ; catch them in sudden clefts
Of deep-mossed stems, till ye have glided by—
But tell me where she dwells.

NYMPHS.

Goddess ! we know not.”

They can tell her, however, of certain fauns and wood-gods from whom it is possible that she may learn something, and the scene changes—

“ CERES.

O Fauns and Satyrs of the merry forests !
 Sharp-hoofed, long-horned, nymph-dreaded deities !
 Grant me this hour your aid. Secrets I know
 Of herbs grass-hidden and medicinal blossoms,
 Whereof one leaf into your cups distilled
 Would make them rise into a fount of foam
 Wide as the broad arch of yon flowering myrtle :
 Those secrets shall be yours—only restore me
 My infant child.

FAUNS.

O venerable Goddess !
 Large-browed, large-eyed, presence august and holy !
 In our green forests dwells no infant child.”

The search proceeds ; but here it must be left. It was not quite correct to say that the fable is not moralized in the poem. The poem is not embarrassed by any moralizing as it proceeds ; but at the close, Iris descends with a message which contains the moral.

Poems such as these lend themselves easily enough to popular appreciation. There are others which will be much admired only by the few ; those namely of the philosophical poems in which philosophic thought is the main element. Ordinary readers of poetry will tolerate much obscurity in our popular poets when merely brooding over the common mysteries of our being on which all men who think at all ruminate more or less,

and into which no one thinker, think he never so deeply, can penetrate much further than another : for, however obscurely the theme may be treated, the ordinary reader accounts the obscurity as inevitable, and does not find himself in the dilemma of either blaming his author or blaming himself for what he cannot comprehend : when we may reasonably presume that we are out of soundings, we make no complaint of the man who throws the deep-sea line. But when novel views are presented of subjects which, though deep and dark, are not confessedly inscrutable, the ordinary reader resents everything which he does not understand as an insult to his understanding. He wrangles with his author, and under a secret suspicion that his author's reply will be "*intelligibilia non intellectum adfero*," he makes it his business, and a duty which he owes to himself, to convict his author of incomprehensibility.

It is otherwise when the poetic prevails over the philosophic element; and the philosophic mind merely flashes an occasional light into human life and the nature of man—

“Alas ! and with what gifts shall I pursue thee,
 What offerings bring, what treasures lay before thee,
 When Earth with all her floral train doth woo thee,
 And all old poets and old songs adore thee ;
 And love to thee is nought ; *from passionate mood*
Secured by joy's complacent plenitude.

Goodness, Spinoza tells us, does not more surely

make men happy than happiness makes them good. But it remained for Mr. de Vere to indicate this other effect of a happiness, or rather joyfulness, of temperament. Nature so endowed, not only rejoices in its strength, but, as against one enemy, is strong by reason of its joyfulness. Again—

“Vainly tries the soul to mingle,
With a being of our kind,
Vainly hearts with hearts are twined,
For the deepest still is single.”

Many a voice crying from the deeps will bear witness to this. And there will be an echo from more quarters than one,—from the ecclesiastical, not less than from the political,—to another enunciation—

“To whom the truth makes free
Sacred as law itself is lawful liberty.”

The moral epigram which follows has a sort of savour of Quarles—

“Three prayers to heaven the Lover doth present
That she he loves rest ever innocent ;
Next for her happiness ; and last that he
Shield of that goodness and that peace may be.
Dear friend, repine no longer ; be content ;
For thou hast gained two wishes out of three.”

There is now but one class and kind more of Mr. de Vere's poems to take account of ; and that the class and kind most opposite to the ethical and doctrinal—the lyrical series, entitled *Inisfail*, published with other poems in 1861, and separately in 1863. It is a chrono-

logical series of poems illustrative of Irish history from the twelfth to the eighteenth century; each poem clothing itself in the character and costume of the time to which it belongs, as though it had been the growth of the time. The actual growth of this kind which Ireland produced in past ages is unfortunately known only to antiquaries. The songs and ballads which spring out of the heart of a country at particular periods of its existence are sometimes of great interest to the historian—a light to his steps and a lantern to his paths; but to be popular in after times they must be in a language which is popularly understood by a literate race. *Percy's Reliques* have been generally believed to have wrought the great change which took place in English poetry in the beginning of this century, from didactic to romantic. The ballads restored to life by Percy were in our own tongue; with modifications of time and place which were perhaps rather advantageous than otherwise, veiling their defects and vouching for their antiquity. But ancient Irish songs are utterly inaccessible to us; and it seems to have been Mr. de Vere's endeavour to supply from his imagination the songs which we might have had and ought to have had, if it had pleased Providence to put English tongues into the mouths of Irish bards. If there be any large class of readers to whom Irish history and its heroes are as familiar as Scotch history and the names of Wallace and Bruce, in those readers *Inisfail* may awaken the same feelings as those which have responded to the

ballads of Burns and Scott. In Ireland, if their own history is well known to the Irish, and if they do not talk too much to read, such a response may well be expected. In England, *Inisfail* will have to rely more upon the romantic and dramatic spirit of its verse ; and will have little assistance, it is to be feared, from historical associations. In the range of epochs which the volume covers the poet finds mankind in divers moods even in Ireland ; though Ireland is, no doubt, the least mutable of nations, the strongest in its idiosyncracies, and the least accessible to influences from without for evil or for good—even the infusion of alien blood having been subdued in no long time to the aboriginal complexion. The poet, however, changes his hand with the change of epoch ; and many varieties of ballad, legend, ode, and song, are included in the series ; the Irish idiosyncrasy, to a certain degree, harmonizing the whole.

The bard Ethell, who lived in the thirteenth century and was a good Christian in his way, but eminently an Irish Christian, in giving some account of the changes which had taken place during his long life, states the objections he cannot but feel to the extreme views of the Franciscans, who had established a convent in his neighbourhood, and preached forgiveness of injuries with a want of discrimination which was highly distasteful to Ethell—

“ All praise to the man who brought us the Faith !
’Tis a staff by day and our pillow in death !

All praise, I say, to the holy youth
 Who heard in a dream from Tyrawley's strand
 That wail, 'Put forth o'er the sea thy hand ;
 In the dark we die : give us hope and truth !'
 But Patrick built not on Iorras' shore
 That convent where now the Franciscans dwell :
 Columba was mighty in prayer and war ;
 But the young monk preaches as loud as the bell
 That love must rule all and all wrongs be forgiven
 Or else, he is sure, we shall reach not heaven !
 This doctrine I count right cruel and hard :
 And when I am laid in the old churchyard
 The habit of Francis I will not wear.

* * * * *

"I forgive old Cathbar who sank my boat :
 Must I pardon Feargal who slew my son ?
 Or the pirate, Strongbow, who burn'd Granote,
 They tell me, and in it nine priests, a nun,
 And, worst, Saint Finian's crosier staff ?
 At forgiveness like that I spit and laugh.
 My chief, in his wine-cups, forgave twelve men ;
 And of these a dozen rebelled again !
 There never was chief more brave than he !
 The night he was born Loch Dool up-burst :
 He was bard-loving, gift-making, loud of glee,
 The last to fly, to assault the first.
 He was like the top spray upon Uladh's oak,
 He was like the tap-root of Argial's pine :
 He was secret and sudden : as lightning his stroke :
 There was none that could fathom his hid design !
 He slept not : if any man scorned his alliance
 He struck the first blow for a frank defiance,
 With that look in his face, half night half light,
 Like the lake gust-blacken'd and ridged with white !

* * * * *

"There never was king, and there never will be,
 In battle or banquet like Malachi !

The Seers his reign had predicted long ;
He honour'd the bards, and gave gold for song.
If robbers plunder'd or burn'd the fanes
He hung them in chaplets, like rosaries,
That others beholding might take more pains.
There was none to women more reverent-minded
For he held his mother, and Mary, dear ;
If any man wrong'd them, that man he blinded
Or straight amerced him of hand or ear.
There was none who founded more convents—none ;
In his palace the old and the poor were fed ;
The orphan might walk, or the widow's son,
Without groom or page to his throne or bed.
In his council he mused with great brows divine
And eyes like the eyes of the musing kine ;
Upholding a Sceptre o'er which men said
Seven Spirits of Wisdom like fire-tongues played.
He drain'd ten lakes and he built ten bridges ;
He bought a gold book for a thousand cows ;
He slew ten Princes who brake their pledges ;
With the bribed and the base he scorn'd to carouse.
He was sweet and awful ; through all his reign
God gave great harvests to vale and plain ;
From his nurse's milk he was kind and brave ;
And when he went down to his well-wept grave
Through the triumph of penance his soul uprose
To God and the saints. Not so his foes."

With this, which might have been supposed to be the product of another man, if not of another time, there must be an end of extracting from these wonderfully variegated volumes. I have not said all that I think of Mr. de Vere and his poetry. It would not be wise to say much at present. What we all say of Wordsworth and Coleridge now, it would not have been wise to say

sixty years ago. There were men who thought then what is commonly said now : but sixty years ago

“ In silence Joy and Admiration sate
Suspending praise.” *

For those men knew that praise which is not recognized as an echo of the world's praise is not met by many in a genial spirit ; whilst there are not a few, perhaps, to whom praise is, as it was to Sir Philip Francis, “ only tolerable when it is spoken *in odium tertii*.” A voice from the dead however may be heard with more indulgence ; and the voice of Walter Savage Landor is such a voice as is not heard from the living above once or twice in a century. Let him speak :—

“ Welcome who last hast climbed the cloven hill
Forsaken by its Muses and their God !
Show us the way ; we miss it, young and old.
Roses that cannot clasp their languid leaves,
Puffy and colourless and overblown,
Encumber all our walks of poetry ;
The satin slipper and the mirror boot
Delight in pressing them : but who hath track'd
A Grace's naked foot amid them all ?
Or who hath seen (ah ! how few care to see !)
The close-bound tresses and the robe succinct ?
Thou hast ; and she hath placed her palm in thine :
Walk ye together in our fields and groves :
We have gay birds and graver ; we have none
Of varied note, none to whose harmony
Late hours will listen, none who sing alone.

* Glover's ‘ Leonidas.’

Make thy proud name yet prouder for thy sons,
Aubrey de Vere !

* * * * *

Come re-ascend with me the steeps of Greece
With firmer foot than mine ; none stop the road
And few will follow : we shall breathe apart
That pure fresh air and drink the untroubled spring.
Lead thou the way ; I knew it once ; my sight
May miss old marks ; lend me thy hand ; press on,
Elastic is thy step, thy guidance sure."

"Odo una voce
Cui del mio cor nota è la via." *

* Alfieri, 'Saul,' Atto primo, Scena seconda.



CRIME CONSIDERED

IN A LETTER TO THE

RIGHT HON. W. E. GLADSTONE.



PREFACE..



THE letter to Mr. Gladstone, of which this is a much enlarged edition, was not, when first written in 1868, intended to be published. But circumstances of the time led to its publication ; of which one consequence was that some men eminent in judicial, and some eminent in political life, wrote to me on the subjects treated in it ; and the present edition contains the results of much discussion and correspondence subsequent to the first.



CRIME CONSIDERED

IN A LETTER TO

THE RIGHT HON. W. E. GLADSTONE.



The Roost, Bournemouth,

August, 1868—December, 1877.

MY DEAR GLADSTONE,

Whilst you are yet in vacation and not yet in office, and may have leisure to attend to me, I wish to bring under your consideration a matter, to my mind of great importance, and to which circumstances have led me to give some attention for the last few years.

The circumstances are these. It has been the way of late years with one or another of the Colonies, to transfer to their statute books bodily, or with slight adaptations, our Criminal Consolidation Acts, 24 & 25 Vict. caps. 96 and 100, and perhaps one or two auxiliary enactments: and no doubt these statutes may effect an improvement on the particular jumble of common and

statute law in force in this or that Colony on the subject of crime. But though better on the whole, it seemed desirable to inquire whether it was, moreover, better in all its parts ; and further, whether, if better, it was the best that could be.

To any one acquainted with our criminal law it is needless to say that inquiry had not far to go before it was plain that what was wanted was a new criminal code. Such a code had been constructed for India, and might be for those of the Colonies in which the legislative power of the crown is paramount. Whether it would be of any avail to construct such a code for the consideration of the British Parliament is another question ; and that it should be a question, exposes more, perhaps, than any other feature of our representative governments, the sins of which it is capable.

What has been done and left undone about the most palpable and acknowledged defects of our system is instructive. No one can doubt, and no one does doubt, that the want of a public prosecutor stupefies the administration of criminal justice in its whole range and scope. Forty years ago any one unacquainted with the House of Commons might have rashly assumed that it was only for some one of authority as a jurist to explain this and other flaws to some one of authority as a statesman, and they would be rectified forthwith. Looking back through those forty years what is it that we see? Here are eight Blue Books, containing reports of

the Criminal Law Commissioners from 1834 to 1845, with the evidence on which they were founded; and two Blue Books, containing the reports of Commons Committees of 1855 and 1856: and I find that the most laborious and searching investigations have been carried on; that huge masses of material and of evidence have been got together; that out of it all has stood conspicuously the opinions of the most eminent jurists, judges, and statesmen—of Lord Brougham, Lord Campbell, Sir Alexander Cockburn, Mr. Hay Cameron, Mr. John Austin, Sir Frederick Pollock, Lord Stanley, and others; that on this most needful of all amendments, the provision of a Public Prosecutor, these great authorities were emphatically of the same mind; and that a certainty having been thus arrived at as to what ought to be done, there was an end of the matter, and nothing was done.

The House of Commons was always occupied with what it cared more about than the redemption of the country from the curse and misery of crime; and for no inconsiderable portion of its time it was occupied with itself.

Organic changes were no doubt of primary importance till the reform of 1830; but by that reform every essential rectification was effected; and looking at the course of legislation since, any unpolitical looker-on might be disposed to say,—if the House does in any sense represent the nation, where is the wisdom of a nation

which is so constantly and recurrently occupied with political and structural questions that life and property are left to take care of themselves,—so perpetually intent upon mending its machinery that there is no getting it set to work?

Lord Bacon deprecated controversies about the Church, not because they were an ill sign for religion (he thought they were not), but because when custom went to one mill it was taken from the other,—when men's minds went to polemics they were taken away from matters on which he conceived that they might be bestowed with more benefit to mankind. "The miller of Granchester," he said, "was wont to pray for peace among the willows; for whilst the winds blew the windmills wrought, and his water-mill was less customed." As Lord Bacon felt about the Church, so may any rational patriot feel about the State, and pray devoutly that in God's good time there may be peace among the willows.

The results of political measures are matters of speculation and conjecture; those of some sorts of administrative measures are as little matters of uncertainty as anything human can be; and if the people could be brought to care about depravity and guilt but half as much as they care about franchises or rates and taxes, the House of Commons might be less self-occupied, and looking to the proportions of the objects before it, and trusting to experts what none but experts can

adequately understand, might be brought to see that what is a paramount duty incumbent upon it is to cleanse the country from violence and blood—from the pollution of drunkenness (in which crime is spawned), and from the shame and reproach of gigantic commercia frauds.

But even in the case of India, where there was no House of Commons to stand in the way, the habits and habitual sentiments generated in public men by responsibility to Parliament were sufficient of themselves, though not ultimately to defeat, yet to withhold from one entire generation, the boon and blessing of an improved criminal code ; a code provided for our Indian Empire with unsparing labour, and by experts of the highest authority. This code, prepared by the commission of which Lord Macaulay was one member and Mr. Macleod another, lay strangely neglected from 1837 till 1860, when, under the supervision I believe of Sir R. Maine, it was finally constructed and enacted ; and then, having wakened up and become a living law, the benefits it conferred upon the more than two hundred millions of our Indian population proved to be, what it might have been well known they would be, of inestimable value. Who was responsible for all the crime and suffering which might have been and was not prevented during its dead sleep of twenty-three years, I know not. Perhaps it never occurred to them, whoever they were, that they were answerable for all that misery and demoralization. When we confess that

“we have left undone the things we ought to have done, and done those things which we ought not to have done,”—if the things in question are legislative or administrative, those that we have left undone go for little—little in the account of conscience, and often less than little in the account which public opinion calls upon us to render. And thus it is that public men are careful not to *do* what may subject them to censure, let the chance of miscarriage be ever so insignificant; whilst they hardly cast a glance at the momentous evils due to inaction or delay.

What happened to the Indian code may seem to preclude the hope that our English criminal law can be amended otherwise than slowly and by piecemeal legislation; but much of the same material is required for the one kind of work as for the other. Guidance from the same principles is needed, and it would be highly desirable to have a code constructed, both in aid of the purposes of piecemeal progress and in order that it may be ready for any unlooked-for turn of fortune which might give it a chance of being enacted.

The object of my letter is to submit to you some considerations preliminary to such a task.

The criminal law of England as it exists has been thus described by a lawyer and jurist of the highest authority :—

“It consists of three parts :—First, the Old Common

Law, a crude and meagre theory, adapted to a rough state of society long since passed away : secondly, a vast mass of unsystematic and ill-arranged Acts of Parliament, rendered necessary by the defects of this system, unconnected with each other, passed at different times, written in different styles, intended for different purposes, and finally consolidated into a small number of Acts faithfully preserving the confusion and intricacy of the materials out of which they were put together : thirdly, a number of cases filling many volumes, and deciding isolated points as they happened to arise, totally unarranged, glancing at innumerable questions which they do not solve, and which never will be solved till some circumstance occurs to call for their solution. This is the bad side of the criminal law. Its good side is, that it is the work of successive generations of Judges, admirably qualified to discharge such a task as far as their powers allowed them to do so. The English Judges have always formed one of the best subordinate Legislatures in the world. They are the picked members of the most active and energetic profession in the country, by the members of which their decisions are jealously tested and criticized. The Courts are checks on each other ; for they are not bound by each other's decisions, and they may even overrule those of their predecessors on cause shown. The Judges are numerous enough to give their decisions weight, but not enough to lose their individual sense of responsibility. They are also the

only body of the kind. The Court at Lyons and the Court at Bordeaux may take different views, but a decision in Westminster Hall is the Law throughout the whole of England. It is to these circumstances that Case Law owes its merits. Decided cases embody the result of an immense amount of experience and of shrewd practical acquaintance with the subject-matter to which it refers. The Old Common Law was, no doubt, meagre and crude, and most of the Statute Law is special and narrow-minded ; but the modern Case Law contains an immense store of true principles and strong common sense, applied to the facts with consummate practical skill, though so much mixed up with special circumstances that it is infinitely less useful than it might be made. The general result is, that the Common Law, the Statute Law, and the cases which explain the one and the other, hold in suspension an admirable criminal code well adapted to the wants and feelings of the nation, and framed upon practical experience of them, but destitute of arrangement, deformed by strange technicalities, and mixed up with a heterogeneous mass of foreign matter.” *

In the Indian Code and in some Foreign Codes of this century,—that for the United States drafted by Livingston in 1828, and the more recent draft of a New York Code,—it may be presumed that as much of the material of English law was used as their authors conceived to be

* ‘A General View of the Criminal Law of England,’ by Sir James Fitzjames Stephen, pages 337–9.

worthy of incorporation ; and if so, it may deserve to be considered whether in constructing a new Penal Code we should not start from the advanced ground which they have occupied rather than throw back our basis of operations to the ground which they have left behind. I am not sufficiently acquainted either with English Law or with the Codes in question to know how much of the one is to be found in the other ; but as to English Common and Statute Law there can be little doubt that it was taken account of more or less in the Indian Code at least (for it was in force within the jurisdiction of the Chartered Courts, though not in the Mofussil), and probably also in the American. And as to our judicial decisions, in so far as English principles were adopted they would probably be consulted for the purpose of enlarging, contracting, or rectifying the provisions of the Statutes and supplying some defects of language or of substance. In each of these Codes, however, a new scheme of Penal Law was adopted, and one which may be conceived to have thrown out as alien or superfluous the far larger portion of our Case Law. And, indeed, the value of Case Law in criminal jurisdiction seems much more questionable than its value in civil jurisdiction. In civil jurisdiction the precise definition of legal rights in every aspect in which they have been known to present themselves is of much importance as averting litigation by supplying the parties with a foreknowledge of what would result ; and as far as the public

weal is concerned the great object of law in civil jurisdiction should be to avert litigation. Whether A. or B. is to have the enjoyment of a given property, the sum of enjoyment is presumably the same, and the public weal is not affected one way or the other; whereas it is greatly affected if litigation takes place, and both A. and B. are subjected to the expense and trouble and the anxiety and vexation commonly connected with it, which, so far as the public weal is concerned, is a pure subtraction from the enjoyment to be derived from the property in dispute. But in criminal jurisdiction, and especially in criminal jurisdiction where there is a Public Prosecutor, the question concerning Case Law is widely different. In the first place, Case Law is no longer required in these times for the purpose of restraining corrupt or arbitrary Judges. A Criminal Judge in these times may be trusted not to strain the law against a prisoner, and commonly the more free he is left to administer justice the better will justice be administered; and if so, the language of a Criminal Code should be large, so as to give the Court a free power of interpretation *ad hoc*; and it may be a question whether, if periodical revision, correction, and amplification of Statute Law were to be duly provided for, any Judge of a superior Court should be bound by the decisions of his predecessors—that is, whether there should be any Case Law at all.

I believe that some Codes have aimed at the abolition of accruing as well as of existing Case Law, but with

only partial success ; and this may be owing to the omission of what has often been contemplated by Jurists, but nowhere, I think, hitherto effected,—a process of current codification to proceed *pari passu* with the occurrence of cases. With a view not only to dispense with Case Law, but also to improve the fabric of Statute Law, I would propose that it should be the duty of every Judge, at the close of each Circuit or of each year, or at any more convenient periods, to report to the Government whether or not he had encountered any signal defeat of justice through defect of law, or whether or not his judicial experience of the year, or other prescribed period, had suggested any amendment of the law which appeared to be important. And inasmuch as suggestion should work its way through towards action, amplifying, contracting, and correcting itself as it goes, and no one who suggests a law will quite know what he is about without drafting his Bill, I would further propose that each Judge seeing reason to suggest legislation should be authorized to employ one of the barristers of his Circuits (payable by a fee), to assist him in drafting such a Bill as he shall approve to accompany his Report ; and it would then be for the Government, with the assistance of its Law Officers, to decide whether such a Bill, or some other having the like object in view, should be introduced into the Legislature. And at longer intervals the substance of new law should be incorporated in the Code. Austin, when answering those who object to

a Code on the ground that it is necessarily incomplete and cannot provide for all future cases, observes that "at all events existing law by a Code is given pure from particulars, whilst the comparatively small body of judiciary law formed upon it is formed upon a compact and perspicuous whole, and may easily be wrought into it." (Austin's Jurisprudence, vol. ii. p. 1064). The facility of fusion would be, I should think, still greater if amendments or additions suggested by cases were to form themselves out of the cases as they arose under the hand of the Judge who encounters the difficulty or the want.

Whatever assistance may be derived from previous Penal Codes in constructing a new one, there are questions of penal jurisprudence demanding attention, which the precedents of other codes will not suffice to determine. There are now available means and materials and evidence and experience which were not in existence when the American and Indian Codes were produced, and still less at the date of the Code Napoleon. Since those times there has been much investigation and discussion of controverted questions; and in this country experience has accrued, especially since transportation ceased, which may well suggest questions not heretofore propounded. At the same time it will no doubt be very important to consider carefully what should be the limits to be observed in theoretic and innovating legislation.

In such legislation a preference should be given to provisions which have already been the subject of discus-

sion and controversy embodied in authentic records, such as the Reports of Commissions or of Parliamentary Committees, with the appendices of evidence, or which have already been enacted in British or Foreign Codes : but it may not be necessary that this preference should involve an absolute exclusion of others.

There are certain principles or maxims or provisions of Penal Law and Procedure as to which it seems to me to be desirable to inquire—1st, whether they do or do not fall within the preferential category ; and, 2nd, whether, if not falling within it, they are nevertheless such as call for revision with a view to change.

In England, in the last 200 years, a signal alteration has taken place in public sentiment, and also in the weight and authority attached to public sentiment, in respect of crimes and punishments. Formerly the leaning was in favour of public interests, latterly it has been in favour of the interests of persons accused of crime. Thus, in Bacon's maxims of law, we have (*Regula XII.*) "*Receditur à placitis juris potius quàm injuriæ et delicta, maneant impunita ;*" and the reason given is, "*Quia salus populi suprema lex.*" He distinguishes afterwards between the "*placita juris*" or "*regulæ positivæ*" on the one hand, and on the other the "*regulæ rationales* or higher sort of maxims : " and though the distinction is not very definitely expounded, I collect that at all events no merely technical rule was to be allowed to stand in the way of deserved punishment. In our times

the Crown Cases Reserved jurisdiction is founded upon an opposite principle. And the same opposition is seen in the popular maxim that it is better nine guilty should escape than one innocent suffer; in the maxim, not merely popular but established by law, that the accused party is to have the benefit of a doubt; * in the maxim that every man is to be assumed to be innocent till he is proved to be guilty; in the rule of law that Penal Statutes are to be construed strictly; in the rule that prisoners are to be guarded against criminating themselves; and in the rule that a man is not to be tried twice for the same offence. I believe also the prerogative of mercy has been often exercised without reference to the merits, on the ground of some alleged irregularity in the proceedings at the trial.

I conceive that the extreme to which the protection of accused persons has been carried in modern times is the result of reaction and revulsion from the arbitrary and oppressive manner in which they were dealt with formerly; and I think that these maxims and rules calling themselves principles, require to be revised and reconsidered in the construction of a Penal Code, and

* The Indian Law Commission deliberately and expressly adopted this maxim, extending it to doubts about law as well as doubts about fact, but without any explanation of their reasons. (See their Report to Lord Auckland of 14th October, 1837.) The Livingston Code is more ambiguous. The Court must be "convinced" (Book I. chap. 1, last article); but "the guilty are never to escape by formal objections" (Introductory Title).

that an examination should be set on foot, not only of the best of the modern Penal Codes—the Code Napoléon, Livingston's, our Indian Code, and, I presume, though of these I know nothing, the New York, and, so far as it has been completed, the North German,—but also of the discussions and disquisitions which preceded and of the commentaries which have followed them ; and together with these, that there should be an examination also of the works of jurists, and the Reports, with evidence appended, of English Parliamentary Committees and Royal Commissions, bearing on the rules and maxims in question.

It would be important, if practicable, to discover and establish a just measure of the human suffering caused, and of that averted, by the infliction of a given punishment,—the value, that is, of the personal interest and of the public interest opposed the one to the other in the question of inflicting a punishment. Bentham ('Morals and Legislation,' * vol. ii. chaps. 14 and 15), has insisted much on the principles to be observed in the proportion of punishments to offences ; so did Montesquieu and Beccaria before him ; and Bentham has attached due importance to the commensuration of punishments one with another : but I cannot find that either he or they have thrown any light upon the manner in which effect can be given to their principles and

* Written to serve as "an Introduction to a Penal Code."—See Preface.

aspirations: and I imagine that this light could only be derived from statistical data not attainable when these writers wrote.

The adequacy of particular punishments to particular offences upon Bentham's or any other principles of valuation, must no doubt be indefinitely subject to circumstance in their application; but still I can conceive that some principles might be derived from statistical data to serve as a *punctum saliens*.

In the search for such principles what should be endeavoured is, to ascertain the results of *changes* in Penal Law; that is, the effect of one punishment for a particular offence compared with the effect of another. Great changes have taken place in our own Penal Law since the commencement of the compilation of 'Judicial Statistics' published annually by the Home Office; and though divers circumstances apart from the punishment may affect the frequency of a crime even within the compass of two years or of three, still an approximate estimate of the adequacy or inadequacy of a punishment may be arrived at after due allowance made for varying circumstances, provided the body of experience examined shall be large enough to attenuate in comparison the merely circumstantial variations.

The French 'Statistique Criminelle' begins in 1825. From a 'Rapport à l'Académie Royale des Sciences,' and an essay with tables constructed by M. Guerry in 1832 (which I happen to possess, without having access,

however, to any later French Statistics), I gather that if changes have taken place in the law since 1825, the effect of them will be ascertainable with some precision, inasmuch as in France circumstantial variations of crime seemed (at least down to 1832) to have been very slight. It is alleged by M. Guerry that the French '*Compte de l'Administration de la Justice Criminelle*' had in 1832 been imitated in almost every country of Europe; and he enumerates fifteen countries as within his own knowledge. If so, there must be in existence extensive records of experience of change.

There is one example in our own law of large and successive changes effected since 1836 which, owing to the gravity of the subject-matter, is especially deserving of investigation. By the Acts of 7 Gul. IV. and 1 Vict., cap. 84 to 89 and 91 (17th July, 1837), the punishment of death was removed from about 200 offences, and left applicable to high treason, murder, and certain attempts at murder, rape, arson with danger to life, and to piracies, burglaries, and robberies when aggravated by cruelty and violence. The great majority of the offences which were exempted from capital punishment by these Acts had not been visited with it in practice for many years before, and in respect of them there could be no doubt that the dead letter of the law could do nothing but harm. There were some others which had been visited with capital punishment occasionally, though rarely, and with regard to these the prevailing argument was that the

feeling of the public was against capital punishment in such cases, and that the law by awarding it did in effect promote the total impunity of the offences by deterring prosecutions, and by inducing witnesses, juries, and sometimes Judges, to violate their duty and conspire in producing a false verdict of acquittal ; insomuch that in these cases practised offenders would prefer to be tried on a capital charge as a sure means of getting off. On these Acts, however, there followed in 1839 and 1840 a great increase of crime ; not less than 38 per cent. on the crimes from which the punishment of death had been removed, along with 25 per cent. on other offences ; due possibly, this last, to a general loosening of the sense of restraint consequent on so large and sudden a relaxation of penal law. These results notwithstanding, the exemptions from capital punishment were carried further and further by subsequent Acts, until the only crimes now continuing to be punishable by death are high treason and murder. I do not know what may have been the tenor of the statistical returns bearing upon the successive remissions posterior to those of 1837 ; but they could not tell us much that is material either way ; for the course of the Legislature in removing the punishment virtually from all crimes but one (for high treason is hardly a practical question at present) seems to have led to something nearly amounting to an administrative neutralization of the law in regard even to that one ; and in the year 1866-67 the murders found by Coroners'

inquest were 255 ; the murderers arraigned were 135 ; and the executions for murder were 10.

But without assuming any actual state of facts, it may be well for the purposes of exposition to take a hypothetical case ; and supposing that the punishment of death will prevent, let us say, one of every two murders that would otherwise be committed,* endeavour to ascertain what would be the bearing of such a result upon the application of our own popular or legal maxims and rules, and some of Bentham's principles.

We have to bear in mind, in the first place, that death is the one thing which a man is sure to suffer, whether he is punished with it or not. In the next place, that a man is sure to suffer it, whether or not he is murdered. What is in question, therefore, is not so much death, as the date and manner of it in the respective cases, and the suffering caused to survivors. A man who suffers death by murder will generally suffer for but a short time, and therefore less than the average of those who die by disease. But he suffers deprivation of any enjoyment he might have had in a more prolonged life, and those to whose enjoyment his prolonged life might have contributed suffer the like deprivation ; and there is great and dreadful suffering to relatives and friends in the horror and distress occasioned by such a death in excess of the distress to probably fewer survivors at a

* The result of the abolition of the punishment of death in one of the Swiss cantons was that the number of murders was doubled.

later and natural close of life. Add to which the alarm and uneasiness occasioned to many persons who, when they hear of murders, may consider themselves or their friends in danger of being murdered. Such being the account of human suffering resulting from a murder, we are next to take account of that resulting from an execution. The physical pains of death will generally be even less in the man executed than in the man murdered, and far less than in most natural deaths. But in the time intervening between detection and execution there will probably have been much mental suffering from fear,—susceptible, however, of being reduced to a minimum of duration with great public advantage by promptitude on the part of the Officers of Justice and the Courts. Next in the account comes deprivation of any enjoyment the murderer might have had in a more prolonged life; but a murderer's enjoyment of life may be presumed to be less than most other men's enjoyment of life, and less, therefore, than that of a man murdered. And the relatives of a murderer, and his friends if he has any, will probably suffer less from his death than the relatives and friends of most men suffer from their death by disease, and much less than they suffer from their death by murder. And, indeed, the death of a murderer may not improbably relieve his relatives, or friends if any, from sufferings or from snares and dangers belonging to his connection with them in life.

It would seem to follow that of the two "lots" of

human suffering, as Bentham would call them, that resulting from an execution is far less than that resulting from a murder : and moreover each execution besides being less painful than the murder it is presumed to prevent, is to be credited with the prevention of the penal servitude, which on the other system would follow that murder.

I will now apply these deductions to the rule of law that the person accused is to have the benefit of a doubt. If the object of Penal Law be to spare human suffering, it would seem at first sight that the benefit of a doubt should be given to that conclusion by which, if right, the greater amount of human suffering would be spared, and by which, if wrong, the lesser amount of human suffering would be inflicted. The first presumption, then, is against the rule. But although the chief object of Penal Law is to spare human suffering, this is not its only object. Another of its objects is to execute justice, and thereby to cherish the reverence for justice and law in the popular mind ; and it may be worth while to do this even at the cost of some considerable amount of human suffering not otherwise compensated. The question arises, therefore, whether justice and the popular sense of justice is more injured and the popular respect for law more impaired by the impunity of a murderer, or by the execution for murder of a man who has not committed the murder for which he is executed. If the error of his execution is never found out, there will be

no offence to the popular sense of justice ; but if it is found out, there is no doubt that the popular sense of justice will be more revolted by the execution of the wrong man than it would have been by the escape of a murderer. The effect will be, not that the popular love of justice will be impaired ; on the contrary, it will be exercised, and perhaps, invigorated ; whilst by the escape of a murderer, if the fact of the murder should be afterwards placed beyond doubt, it would be conversely exercised, but perhaps rather shaken in its foundations owing to the less value apparently attached to justice by the law when it permits a groundless doubt to operate a defeat of justice ; and the respect for law would be lowered. The question is, therefore, whether on the whole the more murders and the more of human suffering occasioned by throwing the benefit of a doubt in what, on the ground of specific suffering alone, should be regarded as the wrong way, is or is not more than compensated by a balance in favour of impunity due to its effect on the public mind as compared with the effect of punishment for crimes not committed.

Now in estimating these elements of value, we have to look at what may be the practical effect, where trial by jury is established, of a knowledge reaching the public mind that a man not guilty of a particular murder has been erroneously convicted. No doubt there is in the popular mind, and no doubt there ought to be, a deep sense of the value of human life. But this should tell

both ways. A man that is hung is, as it is popularly said, cut off in his sins (he is cut off *from* his sins also). But so is a man that is murdered. Let us bear in mind that man and man's law are but instrumental, and if it were not God's will that he should be thus cut off, man and man's law would be shorn of their power. And why may it not be God's will that fewer men should be murdered, and that His mercy should attend one man at the gallows and spare two others by the wayside? The truth is that the fallacious feelings on such subjects which infect and corrupt the administration of justice are owing to the difficulty which people find in recognizing the equivalency of interests which are impersonated in individuals and interests which are not. The criminal accused is an actual person. The victims of crime to be spared through his punishment are potential persons. It may be as certain as any experience of proved facts can make it, that two victims or that ten victims will suffer, but no one knows who they may chance to be, whereas, here is the man accused, and we see him in the flesh. Nevertheless the feelings exist, and we must take account of them. It may be that for some time after the not impossible case of a man being found to have suffered under an erroneous conviction for a capital offence, juries would shrink from convicting in very clear cases of murder, and thus impunity would be made more in the endeavour to make it less. This would be an important consideration if the cases were not very rare indeed in which a man is

wrongfully convicted of murder and his innocence of the murder is afterwards ascertained. As it is, I am not sure that it ought to weigh much in favour of giving the benefit of a doubt to the person accused ; and I think that there are means by which it might be made to weigh very little. The execution of a man by mistake for a murder which he has not committed would not affect the public mind or the action of juries so seriously if every one was satisfied that whether he had or had not committed this particular crime he was a notorious villain and had gone near to deserve hanging on other grounds. Thus, if previous convictions, duly registered, were forthcoming, the evil of the error would be mainly obviated. And probably, in the very rare cases of persons convicted and executed for murders they have not committed, there are few indeed, and almost none, in which it might not be made tolerably clear, either by previous convictions or by other evidence, that the man convicted was a man of infamous life, and guilty, assuredly or presumedly, of many offences. For the rare mistakes that are made of this kind will not be found to have been made in that class of murders which have resulted from casual impulse. The evidence in cases of casual impulse will hardly be of a kind to admit of mistakes.

Such appear to me to be the questions which may arise in regard to the punishment of death in connection with the various rules and maxims favourable to the accused, if the statistics of crime should show results of the nature of those here hypothetically propounded.

But whatever these results may prove to be, I think that there is no part of our criminal law which demands graver reconsideration than that whereby rigorous imprisonment for life or for long terms of years is made to take the place of capital or other severe punishments.

In treating of "proximity," Bentham and also Beccaria seem to have had under consideration only the speed and promptitude with which an offender may be brought to punishment.* Important as this item is, it is not, I think, the most important part of the element of proximity, nor is it that in respect of which the English system is, in my opinion, most largely in error; for though the needless delay in bringing offenders to trial, if less now than formerly, is still deplorably great, the worst error of our law appears to me to be that in awarding penal imprisonment it attaches a value to duration which does not really belong to it.† Of the persons who commit crimes punishable under our law by long terms of penal servitude, the great majority are of a class accustomed to take short views of life. At the present time, and probably at all times, the great majority are habitual criminals, or at least men of bad character and lawless

* Bentham, 'Morals and Legislation,' ch. 4, § 2, and ch. 14, § 16. Beccaria, 'Dei Delitti e delle Pene.' Ch ix. x., 'Prontezza della Pena.'

† Beccaria, in his desire to accumulate pleas against the punishment of death, says:—"Non è l'intenzione della pena che fa il maggior effetto sull' animo umano, ma l'estenzione di essa." (ch. 28.) This is, I think, the reverse of the truth.

life. Moreover, fear is more or less even amongst the educated and thoughtful, but more and not less amongst the ignorant, the drunken, and the dissolute,—a passion of short forecasts. It is so even amongst the ignorant and *industrious*. For a small additional wage artizans will engage in employments which are shown by our vital statistics, and must be well known to themselves, to be fatal to health and life in no long term of years. It may well, then, be a question for consideration whether our habitual and reckless criminals, in some of whom one can scarcely trace the human attribute of looking before and after, will deliberately and advisedly count and compute the difference between five years and ten and between ten years and twenty of penal servitude, and estimate their respective values in the debtor and creditor reckoning of crime and punishment, so as to be deterred by the longer term and not by the shorter? It may be a question, indeed, whether the only real good effected by long terms of penal imprisonment be not in preventing the commission of more crimes, by the person imprisoned, and whether this good might not be equally effected by short terms of severely penal imprisonment, to be followed by long terms of what I would call protective imprisonment,—this latter not to involve more suffering than discipline and economy shall render necessary.

It should be divided, we will say, into three successive terms, of five years each; the first of which should

be exempt from any rigours of discipline not required for the maintenance of order and for pecuniary purposes, whilst each of the others should bring with them more and more of indulgence. During the first, so much labour should be enforced as would provide the cost of the prisoner's subsistence on prison diet, such cost to be computed as for a diet regulated under the provisions of the Imperial Prisons' Act, 1865 (28 and 29 Vict., c. 126, sec. 21). But after so much labour shall have been exacted as may be sufficient to pay for his prison diet and other costs of his confinement, the prisoner should be at liberty to improve his diet, so far as *food* is concerned, by the fruits of any additional labour he may be disposed to employ for that purpose. In the second quinquennial term he should be privileged to provide himself, at his own cost, by additional industry, with tobacco and a duly limited quantity of spirituous or fermented liquors, and with harmless books, whether instructive or entertaining, and with any other innoxious article which may contribute to his comfort or enjoyment. In the third quinquennial term, he should enjoy, in addition to the privileges of the second, that of absence on leave within prescribed limits of time and place, and on prescribed conditions; one of which should be that he shall have previously earned by prison labour such a sum of money beyond his current cost to the establishment as will enable him to subsist without temptation to dishonesty, for the period of his permitted

absence. For the remaining portion of his life, besides leaves of absence with more liberal conditions as to time and place, he might be allowed to receive visits in prison, more frequently and freely than before, from any respectable person of his own sex whom his leave of absence might have afforded him an opportunity of interesting in his welfare. All privileges from first to last must of course be made to depend upon continued good behaviour and the strict observance of all prescribed conditions.

These arrangements require explanation. It may be asked, inasmuch as all penal purposes are assumed to have been answered before the protective imprisonment begins, why not begin at once with the more indulgent regimen? The answer is that hope, as well as fear, is an essential element of prison discipline; and when imprisonment is to last for life or for long terms of years, gradational steps are required in order that hope may not be eliminated; and the prisoner must have in view the acquisition of advantages to come, no less than the forfeiture of advantages in possession, as a sustaining principle and a motive for good behaviour. It may be said, however—Is not this attribution to the prisoner of a hope reaching to quinquennial periods of alleviation inconsistent with the general shortsightedness which I impute to the criminal mind? But if, as I maintain, the fear of what is remote will not operate effectively upon the criminal classes when at large, it does not therefore

follow that the hope of what is remote will not operate upon them when in prison. On the contrary, it may well be the fact, and I believe it to be the fact, that within the walls of a prison even the most degraded and contracted mind will look farther into the future for objects of hope than such minds are capable of looking under different conditions and with other forecasts. We have to consider how indestructible hope is in the mind of man, and how, whilst there is life in the heart, hope will linger in it, sustained by such food as it can find, be it never so meagre and far to seek ; so that in a blank present and with a bare *paulo-post* future, it will, out of the very necessity of its existence, fasten and feed upon a future more or less distant.*

This then being the outline of such a system of protective imprisonment as I would propose, it would be

* In matters in which the elementary principles of human nature are in question, the jurist need not be ashamed to seek instruction from the poet. Let us listen to Crashaw :—

“ Dim Hope ! Earth’s dowry and Heaven’s debt ;
 The entity of things that are not yet ;
 Subt’lest, but surest Being ! Thou by whom
 Our Nothing hath a definition ;
 Fair cloud of fire, both shade and light,
 Our life in death, our day in night !
*Fales cannot find out a capacity
 Of hurting thee :*
 From thee their thinn dilemma with blunt horn
 Shrinks, like the sick Moon at the wholesome Morn.”

Steps to the Temple.

capable of varied application to various cases. When imprisonment for life is awarded for atrocious crimes, it would be necessary that the penal imprisonment to precede the protective should be exceptionally rigorous and accompanied with severities of the prompt and proximate kind, such as should be capable of striking terror. But when imprisonment for life should be awarded, as I think it ought to be * for offences not of the utmost malignity, but still very grave and repeatedly committed, the *penal* imprisonment should be neither more nor less rigorous than it now is for like offences, but of shorter duration. And again, when imprisonment is awarded, not for life but for terms of years, the total imprisonment should be lengthened and the penal imprisonment shortened.

It may be well to anticipate some of the objections which may be made to this system and to see what answers can be given.

* Livingston's Code, which is exceptionally lenient in respect of other inflictions, affords a precedent for this:—"Those who are confined for a repetition of minor offences are considered more in the light of incurables than of atrocious offenders."—('Introduction to the Code of Prison Discipline,' pages 38, 39.) "If any person, having been twice previously convicted of crimes, no matter of what nature, shall a third time be convicted of any crime afterwards committed, he shall be considered as unfit for society, and be imprisoned in the Penitentiary for life."—(Penal Code, ch. 4, page 14.) But this perpetual imprisonment for repeated offences does not differ in any of its stages from the same stages of temporary imprisonment inflicted for the like offences once committed; and in this I think the Code errs greatly on the side of severity.

The objections may be expected to proceed, as is usual in the discussion of such questions, from two opposite sides. One which I have had an opportunity of hearing already, is that the criminal classes would be rather invited to crime than deterred from it, by presenting to them the prospect of a retirement, so easy and comfortable, from a life so full of disturbance and vicissitude as that which they are accustomed to lead. The objection from the opposite side is that the notion of an interminable imprisonment is not to be tolerated, and that a law which should inflict the loss of liberty for life without regard to the conduct of the prisoner however irreproachable, would destroy every chance of reformation and make him savage and desperate. Let us put this '*Jani bifrontis imago*' on a swivel, and endeavour to look each objection in the face.

As to the first, it should be borne in mind that the proposed system would put an end to one class of potential criminals whom on the present system it is necessary to terrify and deter—those who are now alternately shut up and let out, but who on the proposed system would be for evermore kept from crime by confinement. And as to those habitual criminals whose opportunities of crime would be not yet cut off, if it should be found that the abbreviated terms of penal imprisonment preceding the protective, which the proposed system would provide for crimes now visitable with long sentences, are not adequately exemplary and deterrent, it would of course

be easy to abbreviate them less, or even to keep them at their present length : and perhaps it would not be difficult to do what, according to my doctrine of deterrent efficacy and according to my reading of the criminal mind, would be better—to make them shorter indeed, but equally or more severe.

Let us hope then that the objections to the protective imprisonment (following, but by no means supplanting, penal imprisonment), so far as they rest on the ground of too much indulgence, are sufficiently disposed of. And now let us turn to the objection of too much severity. It will be alleged, we will suppose, that do what you may to alleviate the sorrows and dreariness of confinement for life, it cannot but be an intolerable state of existence ; and do what you will to keep hope in life and activity by presenting the alleviation in successive stages and degrees, no hope but the hope of liberty to come at last can have enough of vitality to sustain itself under the gloom and oppression of long years passed in a prison. I will assume for the moment that these objections may have some foundation in fact ; and even on that assumption let us compare, so far as we may, the severity of the proposed system with that of the present. We are to bear in mind that what is proposed is proposed only for *habitual* criminals ; and on the present system, how much of the lives of habitual criminals, after a second and third conviction, is passed in prison, and how much is passed at large ?

Cases are repeatedly occurring in Courts of Justice of which I will adduce the following as a sample :—In fourteen years, Thomas Smith has been nine times convicted, and sentenced to terms of imprisonment which, added together, make thirteen years and four months. The record is as follows :—

6 weeks	...	...	...	1854
18 months	...	...	...	1855
3 months	...	...	...	1857
2 months	...	...	...	1858
4 years	...	...	...	1858
6 months	...	...	...	1862
6 months again	...	...	...	1862
3 months	...	...	...	1863
6 years	...	...	...	1863

With these previous convictions against him, Thomas Smith was committed in January 1869 to take his trial for twelve burglaries, then charged against him : a long sentence of penal servitude was to follow, and if he should live to be let loose upon society once more, his past career renders it no more than reasonable to anticipate that, if not disabled by old age, he will at once plunge into more crime and incur renewed imprisonment. This man has not been condemned to imprisonment for life : his sentences have been hitherto for no very long terms ; yet practically it is but a fraction of his life that has not been passed in prison ; and a large portion of the imprisonment has been under the severely penal conditions which are provided for short terms of imprison-

ment with hard labour and for the earlier stages of penal servitude. In reality the principal distinction between his imprisonment and imprisonment for life is that sundry though brief opportunities have been afforded him of committing crimes no one knows how numerous (for the crimes in which such men are detected are commonly a mere percentage of those they commit) and to inflict injuries no one knows how dreadful on his victims. Would it not have been better, even for Thomas Smith himself, that his third sentence should have been for five years of penal imprisonment, followed by protective imprisonment for life? It may be that Thomas Smith would have felt imprisonment for life, however alleviated, an unpleasant and dreary state of existence. It may be also that some persons who felt, and will feel as long as they live, the effects of a bludgeon in the hands of Thomas Smith, wielded in the intervals in which he enjoyed his liberty, find *their* lives dreary and unpleasant too. The protective imprisonment for life would, at all events, have spared the unfortunate victims their sufferings, whilst it would have spared Thomas Smith much of what was severest in his.

It may be asked—Is the case of Thomas Smith common, or is it exceptional? Similar cases, as I have said, are frequent in the police reports and reports of criminal trials; but the question cannot be answered with confidence from any data to be found in the “Judicial Statistics” presented to Parliament, and it might be well

if such returns were to be given as would show what proportion of the lives of criminals released from penal servitude after a second or third conviction is on an average passed in prison. Whatever the result might prove to be, the argument to be drawn from it by those to whom any such argument appears pertinent to the question or needful in the case, would affect rather the details and the extent of applicability of the projected change than the principle of it. If twice and thrice convicted prisoners do not on the present system pass their after-lives mainly in prison, how is it with the four times and the five times, or the ten times and twelve times convicted? These, judging by the commitments of which we have the requisite returns, are no insignificant proportion of the whole. In 1866-67, when the proportion of recommitments to the total of commitments was 38·5 per cent., the number of those once, twice, and thrice recommitted was 32,481, and the number of those more than thrice recommitted was 13,934; and it is worthy of note that the numbers of those recommitted more than ten times nearly equalled the numbers of those committed thrice; the one being 3927, and the other 4792. If there are those who think the thrice committed (supposing them to be also thrice convicted) are likely to enjoy a larger portion of their after-lives out of prison than it would be right to deprive them of by a life-long protective imprisonment, would they be of the same opinion in regard to the

more than ten times committed (supposing convictions to follow)? If not, the question is one of detail and extent of applicability, and not of principle.

And again, if an absolutely life-long imprisonment (even though but a small portion is to be penal and the rest protective) is more than they can consent to, would they object to such a duration of protective imprisonment (following the penal) as may be shown not to exceed the average duration of penal imprisonment undergone in their after-lives by thrice convicted or that undergone by ten times convicted criminals? If not, though their objection would touch the principle nearly (for the principle would condemn liberation even at a far-distant time, as bringing surely, however late, renewed sufferings to the criminal and additional victims of crime), still an important quantum of the benefit arrived at by the principle would be practically effected.

But there is yet another escape from the objection by variation of the detail. The term of protective imprisonment to be last reached (according to the design) admits of occasional leaves of absence. If we are compelled to assume that liberty in the far distance is indispensable to take the sting out of life in a prison, why are we to assume further that the liberty is to be continuous and unbroken? And if this be not assumed, the leaves of absence might be repeated in such number and measure as the first assumption would dictate. The only necessary limitation of the leaves, under the conditions

I propose, would be found in the requirement of such an amount of extra industry as would provide means of honest subsistence for the time for which the leave is to be granted. Will it be said that the demand for such extra industry is impossible to be met, and that the condition defeats the boon? No one will say so who is conversant with the evidence as to the very moderate amount of labour which can be enforced in a prison by mere disciplinary agencies, or by these in conjunction with the object of earning a ticket-of-leave not to be obtained till three-fourths of the sentence shall have been undergone, and in conjunction also with the quantum of enjoyment of the fruits of industry now offered to the well-behaved convict in the later stages of imprisonment. In the convict, that is, the penal servitude, prisons of England, this moderate labour suffices to defray the cost of the convict to the State whilst in prison, and to provide a small sum of money payable to him on his release. But there is a wide margin between the productiveness of convict labour thus coerced or induced, and that of the free labour by which a man defrays not only his own cost but the cost of his family. If the prisoner be willing to work *for* freedom as other men do *in* freedom, it is no small amount of freedom which he would be able to earn. And if, whilst abroad upon leave of absence, he should find it practicable to obtain employment (which though not probable is possible), the wages he earned would be a provision and ground for further leave

in due season ; and the criminal's case might be made to differ from what it is under the system which our Habitual Criminals' Bill of 1869 sought to establish chiefly in this,—that the one system assumes that he can find employment, sends him forth to find it, and sends him back to penal imprisonment when he fails to find it ; whereas the other assumes that he can *not* find employment, sends him forth only for such a time as it is known that he can live honestly without finding it, and brings him back, not to penal but merely to protective imprisonment.

But even if the protective imprisonment, with its leaves of absence in its ultimate stage and its divers indulgences in the previous stages, should be found not to be fully provided for by the convict's industry and some cost should be incurred by the State, we have still to calculate and consider the cost of the present system,—calculate the cost which in some sort *can* be calculated, and consider the cost which may fairly be said to be incalculable?—the cost of watching the criminal and catching him ; the cost of committing him for trial ; the cost of confinement before trial (when, presumed to be innocent till proved to be guilty, he is not to be put to work), the cost of trying him, and the cost of his earlier stages of imprisonment after conviction, when the law provides, most needfully and wisely, that his labour is to be strictly penal whether or not it be productive. We have to count those costs ; and to consider, moreover, the

cost to society of wayfarers knocked on the head, or men, women, or children confronted by burglars in the dead of the night; the cost of the property plundered, with or without murder, or assault with intent to murder, or assault with grievous bodily harm; the cost of assaults on the police, sending the sufferer into retirement for life on a pension; and, finally, the cost to come from the training of the young by the old offenders in the ways of offence?

If the conclusion should be arrived at, that prolonged *penal* imprisonment is a waste of suffering and that deterrent purposes are to be effected within a comparatively short time after conviction, it would become necessary to consider whether some new severities should or should not be added to those already inflicted in this country in the earlier stages of penal servitude or of imprisonment with hard labour. In the "*travaux forcés*," under the original Code Napoléon (*Code Pénal*, l. i. ch. i, Arts. 15, 19, 20), chains and a clog were prescribed, and likewise branding.* The appliances of severity now in use in our prisons, exclusive of what are called the convict prisons (but might better be called the penal servitude prisons), are those prescribed and regulated by the Prisons' Act, 1865 (28 and 29 Vict., cap. 126). By sec. 17, Art. 5, criminal prisoners are to be prevented from holding any communication with each other, either by every prisoner being kept in a separate cell day and

* Branding was removed from it in the revision of 1832 (1, 22).

night (except when at chapel or taking exercise), or by every prisoner being confined at night to his cell, and being kept during the day under such superintendence as will prevent communication. Under Schedule 1, Arts. 57 and 58, strictly solitary, as distinguished from "separate," imprisonment, is authorized, for offences committed within the prison, for terms not exceeding one month ; and under Arts. 59 and 60, irons for twenty-four hours and corporal punishment are authorized. By Secs. 19 and 20, taken in connection with Schedule 1, Article 34, male prisoners sentenced to hard labour are to undergo not less than six nor more than ten hours per day : for not less than three months at the beginning of their sentences, it is to be hard labour of the first, *i.e.*, the most penal class, at the tread-wheel, shot-drill, crank, capstan, stone-breaking, or the like ; and they are to undergo the same for the remainder of their sentence also, unless the Visiting Justices shall substitute labour of the second class, which is to be such as the Visiting Justices shall prescribe.

The Report of Lord Carnarvon's Committee of 1863, with the evidence on which it was founded, may be taken to have established conclusively the fact that labour at the tread-wheel, or crank, or shot-drill, is far more severely penal than any industrial labour, and it is on those kinds that we must rely for making labour formidably deterrent.

The severities in use in the so-called Convict, that is,

the penal servitude prisons, are separate imprisonment for nine months at the beginning of the sentence (which, under the 27 and 28 Vict., cap. 47, cannot now be for less than five years). The nine months' separate imprisonment of penal servitude differs from that of the county gaols. The prisoner is not taken out of his cell for labour on the tread-wheel or otherwise; he works within his cell and sees no one but the warders and the Chaplain. When the nine months are past, the separate is followed by associate labour under certain penal and disciplinary restraints.

Such are the appliances of severity of which there is experience in this country and in France. The question is, by what combinations they can be made to answer the purpose of abridging penal imprisonment and substituting protective, without a sacrifice of deterrent efficacy.

The strictly penal labour at the tread-wheel might perhaps be usefully combined by succession, if not by alternation, with the nine months of solitude constituting the first step of penal servitude. This might be one combination.

Corporal punishment might afford another. It is sanctioned in this country in the case of male offenders under 16 years of age by diverse sections of the consolidation acts of 24 and 25 Vict., and in case of males of any age convicted of robbery with violence by the 26 and 27 Vict., cap. 44, as well as for offences committed in prison by the 28 and 29 Vict., cap. 126.

The 26 and 27 Vict., cap. 44, following on the consolidated acts, like so many of the statutes preceding those acts and embodied in them, was a mere accident of the moment. There was a sudden access of robbery with violence in the streets of London in 1862-3 (in the form of garrotting), and a member of Parliament was garrotted on his way home from the House of Commons. So this Act was passed in 1863 for flogging such offenders. The Act took immediate effect in largely reducing the offences to which it applied; but the *paulo-post* was not equal to the immediate effect; for in no long time it came to be known that the Act was, in the hands of most of the judges, a dead letter. Crimes of violence becoming more than ever prevalent, a larger operation was given to the Act, and our judicial statistics ought to show how far variations in the number of those crimes can be presumably and *primâ facie* attributed to variations in the relative number of the sentences which have included corporal punishment.

It is the more important that the efficacy of the punishment should be tested, inasmuch as some of the Judges I believe (*one* of them I *know* upon his own authority) had doubts about its efficacy. The Criminal Law Commissioners (in 1843, when the greatest of our recent jurists, John Austin, was no longer one of them) gave some sort of equivocal and incidental sanction to such a doubt. They admitted that it might better be dispensed with if the efficacy should not have been

ascertained ; on which, however, they did not hazard an opinion. I cannot myself see any rational ground for a doubt upon the subject ; and the knowledge we *have* obtained of the amounts of robbing with violence proximately preceding and proximately following the enactment of the act, is not without its value.

It was alleged by Lord Coke, however, that “the frequency of a punishment makes it so familiar, as not to be feared ;” and some witnesses before committees, and writers and speakers, adverting to the lavish use of severe punishments sixty or a hundred years ago, and of flogging in the Army and Navy more recently, and the prevalence of crime notwithstanding, have conceived such punishments to be efficacious only when rare.

Frequency of offences concurrent with frequency of punishments in a country or a class, indicates a hardened state of the criminal mind in that country or class, and on this hardened state the fear of punishment will, no doubt, take less effect than it would on a more sensitive state. And if the administration of justice be somewhat reckless and uncertain (as perhaps it was in Lord Coke’s time and as it certainly was a hundred years ago, and more recently still in the Army and Navy), persons criminally disposed will be reckless too. But to say that offences are frequent *because* punishments are frequent, or that they are not less frequent than they would be if punishments were not so frequent, seems scarcely reasonable ; and looks rather like the ordinary fallacy of attributing

a relation of cause and effect to concomitant effects of the same causes. The social conditions which vary and determine the amount of crime are numerous, as I have already observed, and if they are inappreciable in the time present, they are still more so in respect of times which have passed out of the memory of most of us. When gas-lights were unknown in the streets, and there was no one to prevent or detect a burglary but a superannuated pauper asleep in his watch-box, you might hang every burglar you could catch, and yet burglaries might continue to be frequent. It is right, no doubt, to bear in mind the truth that frequency does to a certain extent come in abatement of efficacy ; and on this ground, and on other and far stronger grounds, let us not omit all possible ancillary means which may spare us the necessity of having frequent recourse to either corporal punishment or capital punishment ; but let there be no tampering with the simple and universal truth, that the great deterrents from crime are death and pain.

A more popular objection to corporal punishment is, that it is degrading ; and it is an objection often urged even by persons whose opinions are entitled to deference and respect. I do not myself share the sentiment. The degradation is in the crime and not in the punishment ; and so far as the punishment prevents the crime it prevents degradation. I do not advocate the punishment for offences which are not in themselves, or by their repetition, an evidence of a low level of degradation

already reached. By the Acts 24 and 25 Vict., boys under sixteen may be whipped for divers offences for which adults may not. I find it difficult to recognize a distinction founded upon the dignity of manhood; and even if such a distinction is to be taken in other cases, it is surely a most fallacious one in the case of a man who has been shown by repeated convictions to have employed the years after sixteen in getting rid of his manhood and converting himself into a brute.

Therefore, whilst I admit that novelty will always add something to the impressiveness of objects acting upon the human imagination and sensibilities, and that corporal punishment may be a somewhat more effective deterrent when it is absolutely novel, I see no reason whatever to doubt its general and permanent power; and I am of opinion that penal efficacy might be secured consistently with the abridgment of penal imprisonment and the early substitution of protective, by resorting to an immediate infliction of corporal punishment, as well as by inflicting the more severe forms of penal labour in the earlier stages of penal imprisonment.

If statistical data as to corporal punishment are not to be had at home, possibly they may be supplied from foreign countries, or for a few years past from the East Indies. Our Indian code followed Livingston's in rejecting corporal punishment; but after that punishment had been provided for robbery with violence by the English Act of 1863, the East Indian Legislature passed

an Act (No. vi of 1864) applying the punishment to a long list of offences and with much more severity than is authorized by the English Act. This Indian Act enacts (Sec. 7), that no person shall be punished with whipping who is sentenced to penal servitude or imprisonment for more than five years. The purpose may have been to enable the Judges, by availing themselves of corporal punishment, to pass sentences of shorter imprisonment, and in so far the system would be more or less analogous to mine: though I believe one motive for abridging the imprisonment was to make room in the prisons, which were overcrowded.

But in enacting laws for the infliction of corporal punishment our experience of the Act of 1863 shows that it may be well to inquire whether the Courts of Justice are likely to give effect to them if only enabling; and should the Courts be unlikely to give effect to them, whether the law should not constrain them in certain cases to do so.

There are offences in respect of which I think it would be expedient that the law should authorize whipping with some reserve, leaving a loophole; and there are others in respect of which whipping should be the inevitable consequence of conviction, whatever might be the particulars of the individual offences. As to the latter class of offences, the law should allow the Judge no discretion. As to the former, the difficulty of getting the Judge to perform a disagreeable duty (supposing such

a difficulty to exist), might be met by putting some difficulties in the way of evading the duty. There is, perhaps, a wider difference than we are wont to take account of, between evading a duty by an easy and off-hand omission, and evading it by a deliberate and elaborate act. What I would propose for consideration is, whether the law should not compel the Judge to pass the sentence in every case in which whipping was the appointed punishment; and at the same time authorize him, in any case in which he might think that there were special grounds of exemption, to suspend the infliction of the whipping for a limited time, and refer the question whether or not it is to be inflicted to some such authority as the Crown Cases Reserved jurisdiction. But in so referring the question, the Judge should be required to submit to those with whom the final decision is to rest, his notes of the evidence, with a full statement of his reasons for advising the exemption; and the final decision should not be given without summoning the Public Prosecutor (for a Public Prosecutor there surely must be ere long) and hearing what he might have to say one way or the other.

It is in the summary jurisdictions that the administrators of justice may be expected to share any popular aversion to particular punishments or any popular indulgence for particular crimes; or if not sharing, to truckle to it: and it may well be a question whether it would not be expedient to limit the discretion of the

administrators of justice in those jurisdictions (as the Act 27 and 28 Vict., consequent on Lord Grey's Secondary Punishment Commission, limited the discretion of the Superior Courts as to terms of penal servitude), by fixing sufficiently high, in respect of offences of a definite and specific and unquestionable turpitude, the minimum of punishment to be awarded. For example, might it not be obligatory to inflict whipping, as well as imprisonment with hard labour, for offences of cruelty or violence or lust against women and children committed by males; leaving fines (the most unequal of all punishments) to be occasionally supplements but never substitutes.

As some of our summary jurisdictions are now constituted, there might be a risk that the obligation, if convicting, to inflict a sufficiently high minimum of punishment would tempt weak Magistrates to indulge in false acquittals. I cannot read the reports of proceedings in the Metropolitan Police Courts (as I have read them habitually for many years) without feeling that this risk deserves consideration: and the opinions I have been led to form of the London police jurisdictions I have found to be shared by those with whom I have been in communication on the subject orally or in writing,—men, some of them, of high authority derived from long experience in political and administrative affairs. The Metropolitan Police Magistrates have appeared to me to be, as a body, wanting in public

spirit, moral sense, and judicial discrimination. It has not been without some self-questioning that I have permitted myself to feel a certain measure of confidence in these opinions. I ask myself how this can possibly have come about: for the persons who have been selected to fill the office, though (like hundreds of other able and industrious men in their profession), they may not have seen their way to much success at the Bar, cannot be supposed to have been originally below the average of educated gentlemen in intelligence and moral sensibility; or indeed, if well chosen, otherwise than much above that average: and is it possible that I and others, who have had no practical experience in our own persons of the administration of justice,—forming our judgments in particulars from imperfect written reports,—not seeing the demeanour of witnesses and hearing their very words,—can be justified in passing judgments of this kind upon men who have given their whole lives (most sedulously, I believe, and dutifully) to their work? I ask the question; but I cannot divest myself of my conviction; and though one may err greatly in particular instances through deficiencies of practical knowledge, I still consider that general impressions, derived from thousands of reported proceedings, observed through a long series of years, are not unworthy to be trusted. And moreover, through diversity and contradiction of practice, these Magistrates do, to a certain extent, judge themselves. I cast about, therefore, to see whether there may not be

considerations accounting for the facts as I believe them to be ; or, at all events, tending to reconcile them with the personal claims to respect which the Magistrates undoubtedly possess : and the conclusion to which I come is, that it is not the nature of the men which is at fault, but the nature of the work. May it not be that a daily and hourly conversancy with crime, even as seen from the Bench, renders men callous ; so that they come to regard with more or less of moral indifference, offences from which their whole nature in its original freshness would have revolted ? But then it will be said—Is not justice to be unimpassioned ? Are we to exchange the *lumen siccum* of judicial insight for anger and indignation ? I should reply that anger and indignation are to be duly, strongly, conscientiously governed and directed, but that if there be no moral heart in the exercise of judicial functions, they will practically sink into imbecility.

And in these times the sense of responsibility in the exercise of public duties, and especially of those which have in them an element of severity, has been wrought to a degree of sensitiveness which is hardly compatible with firmness when the responsibility is sole and undivided. A jury can do its duty with the support of a judge ; and a judge his with the support of a jury. But when the Magistrate sits alone it will often happen that his duty is not fulfilled. “ Be not faint-hearted when thou sittest in the seat of judgment,” says the Son of Sirach ; but when no one sits with him, and he knows that, with

the thoughtless many, one measure of excess in severity will be more blamed than ten measures of defect, the Son of Sirach will say it in vain.

And nowhere more than here does the want of a Public Prosecutor weaken the administration of justice, and nowhere is the weakness more to be deprecated.* It should belong to the summary jurisdictions to crush crime inchoate and forbid it to breed; and from this point of view they are perhaps the most important of all the jurisdictions. And yet the bills which have been brought into Parliament with a purpose to make provision for a Public Prosecutor have left the summary jurisdictions altogether out of his field of operations. "They do these things better in France;" there the Public Prosecutor pervades every jurisdiction, from that of the Cour de Cassation to that of the "Tribunal de Police."

An objection is sometimes made, by Judges or others, to corporal punishment, on the ground that it varies in severity with variations of the nervous fabric; and that it is thus a punishment of which the severity cannot easily be estimated by the Judge, so as to apportion it duly to the offence. There is no possible punishment which is not more or less open to such objections; and the commensuration of punishments is one of the problems of

* In jurisdictions other than summary the duties of Public Prosecutor are now performed by the Clerk to the Magistrates in counties, and elsewhere by the Superintendent of Police.—See 'Criminal Procedure in England and Scotland,' by the Hon. Arthur Elliot, 1878.

which Bentham has rather magnified the importance than suggested the solution.

There is one method of commensuration to which it might be possible to have recourse in certain limited kinds of cases, and which has not been, so far as I am aware, brought into view by Bentham or others. In those kinds, or some of them, in which the Judge is enabled to exercise a discretion in suspending corporal punishment during reference to higher authority, he might have the further discretion of passing, should he think fit, an alternative sentence of whipping or other specified portion of punishment to be substituted for whipping at the choice of the person who is to suffer it; say, for example, twenty-five lashes, or a specified addition to severely penal labour, or a specified term of solitary imprisonment on bread and water. If different individuals differ in the amount of suffering undergone from the same punishment, the individuals will be themselves the best judge of their own idiosyncracies. The adoption of this method would prevent Judges and juries from flinching; but, on the other hand, there will be some objection to it on the general ground that an optional punishment might tend to relax the notion which it is desirable to cherish, of convicts being consigned to a condition of absolute submission and inexorable control, excluding every exercise of choice and free will. The question is one of some difficulty: but it deserves consideration.

Passing from the subject of commensuration and proximity in reference to comparisons of one punishment with another punishment, I proceed to questions concerning the proportion borne by punishments to offences in some provisions of English penal law.

Of the errors of this class with which English law is chargeable, I should say that the first and most flagrant is to be found in its provision for the punishment of drunkenness. It appears to be now a notorious fact, ascertained by various methods of investigation, and through divers investigating agencies (amongst which a Committee of Convocation is not the least important) that in this country drunkenness is accountable, directly or indirectly, for more crimes than are referable to all the other sources of crime put together. I have myself been informed by one of our highest judicial functionaries that it is accountable for three-quarters of the crimes brought before him on Circuit. The law in regard to it presents a singular contrast between its denunciations on the one hand and its indulgences on the other. For on the one hand the law distinctly recognizes the dreadful consequences which must occasionally, and not seldom, result from drunkenness, and theoretically charges them upon the drunkenness at their full value in criminality. A man, not perhaps particularly ill-disposed when sober, unhappily gets drunk and commits an assault, a manslaughter, or possibly even a murder, and he is told that drunkenness is no excuse. Morally, the offence is, or

may be, simply the offence of drunkenness, whatever that amounts to. Jurisprudentially, to hang the offender as if it were legally a murder, or otherwise to punish him as for a murder or other felony or a misdemeanour soberly committed, would be contrary to all scientific principles ; since the effect would be neither to deter men from committing murders or other felonies, nor to deter them from getting drunk ; inasmuch as men, when they get drunk, do not usually contemplate committing felonies and suffering the consequences. Nor, indeed, do men practically suffer the full legal consequences of the felonies they commit in and through drunkenness. In the practical administration of justice the maxim of law is used chiefly to exclude false pleas, which would be continually advanced if the law professed to admit drunkenness in extenuation ; and what really takes place is a haphazard compromise in the minds of Magistrates, Judges, and Juries, according as their minds may be constituted, between a fallacious legal maxim and a just moral estimate. And such compromises, pervading as they do the administration of justice in many of its incidents, are not necessarily to be deprecated ; for dogmatic principles and legal definitions must be perpetually pressing against their circumstantial limits in application, and the right result must be sought by compromise. So far forth, therefore, it is quite possible that the law, with all its apparent inconsequence, may be, in the choice of difficulties, the best that can be devised. But on the other

hand, whilst recognizing to this almost hyperbolical extent the heinousness of drunkenness in its criminal consequences, the law hardly so much as takes account of the thing itself,—overlooking the essence whilst it magnifies the accidents. But the thing itself, in its nature and ordinary and constant accompaniments and results, is of far more extensive and momentous operation for evil than the occasional crimes committed in drink, however horrible ; and even of heinous crimes it may well be believed, and indeed can scarcely be doubted, that far more spring from it as an indirect than as a direct result—far more than can ever be distinctly traced to it. Yet when the question is, not of offences great or small committed in and through drunkenness, but of drunkenness itself as the source of all manner of misery and crime, the law of most countries halts and stumbles ; and as to the law of England, whether it be regarded in letter or in administrative practice, it is impossible that any law of the kind could be at once more feeble in its purport and intent and more crippled in its executory provisions.* By the 21st James I. (cap. 7, secs. 1 and 3), a fine of 5s. is imposed, to be levied by distress if not paid within a week. The alternative in default *was* six hours in the parish stocks, and is now, under the Small Penalties' Act of 1865 (28 & 29 Vict. cap. 27, sec. 4), imprisonment for seven days—not, however to take effect until the

* Since the date of this letter the law has been in some degree but very ineffectively amended.

week allowed by the Act of James I. for payment of the fine shall have elapsed. In this matter we seem to have forgotten more than we have learnt since the reign of James I. : for the parish stocks in those days knew their own, and 5*s.* was rather a large sum of money. The first step in an amendment of this helpless state of the law would be to provide a maximum punishment less frivolous and futile ; the next, when a fine only is awarded, to authorize commitment to prison without the interval of a week for paying it ; and the third to make adequate provision, by out-door relief or otherwise, for the families of offenders during the imprisonment awarded ; since the drunkard is often let off lest his family should suffer.

I say a less futile *maximum* punishment should be provided ; for of course there is a wide distinction to be taken between different kinds and varieties of drunkenness. There is the distinction between private or domestic, and public drunkenness. Drunkenness unaggravated by other offences can only be punished when it presents itself in thoroughfares or in public-houses. Casual drunkenness unaggravated is to be distinguished from habitual drunkenness unaggravated. Then there is drunkenness aggravated by disorderliness and offensiveness, though not by punishable offences ; and, lastly, there is drunkenness aggravated by punishable offences.

Mere casual intoxication and nothing more, should be visited with a fine proportioned, so far as may be, to the means of the offender, or a light imprisonment if he is

unable to pay a fine. Habitual drunkenness ascertained by repeated convictions, but not in any of the cases of conviction aggravated by punishable offences or by disorderliness or offensiveness, should be punished by imprisonment of such length as may afford a prospect that the habit of drinking will be broken : but the imprisonment should not be needlessly penal. Habitual drunkenness, ascertained in like manner, and aggravated by disorderliness and offensiveness, should be punished by imprisonment, also of the requisite length for breaking the habit, and of a more penal character. Habitual drunkenness, ascertained in like manner, and accompanied in one or more of the previous cases, but not in the actual case, by punishable offences of a violent and cruel character, should be punished by a longer imprisonment and hard labour. Habitual drunkenness aggravated in the actual case by punishable offences, should be punished by imprisonment of a length sufficient to break the habit of drinking, in addition to such punishment for the offences aggravating the drunkenness as those offences may have incurred.

In short, the principle should be that drunkenness is under all circumstances an offence, though when committed in private and not habitual it cannot be reached by the law ; and that if habitual, in whatever form it can be legitimately made amenable, imprisonment of such lengths as to give the offender a chance of reformation should be awarded ; and when reformation shall have

been finally and conclusively proved to be unattainable, and the drunkenness is of the type which habitually results in personal violence and assaults, there should be no scruple in resorting to *protective* imprisonment for life. If involuntary madmen are placed in confinement, why not the man who makes himself mad day after day, night after night, by an act of the will or an impotence to resist temptation?

As to the punishment of offences committed in a state of intoxication, considered apart from punishment for the intoxication itself, perhaps they should be left, as they now are, to be in strictness of law punishable in like manner as if the offender had been sober; the relaxation of a law so plainly unreasonable in its rigour, being to be entrusted to the common sense of Judges and juries. When a man has reason to know from his experience that if he gets drunk he is likely to commit some outrage, the protection of others requires that he should be punished more or less as if he had committed the outrage with a sober will: otherwise, he should not be so punished. The state of the case should be brought out in evidence.

It is on this subject of drunkenness chiefly, though not on this only, that many excellent persons who shrink from penal severities and would spare the perpetrators rather than the victims of crime, are accustomed to insist that it is by education only that such offences can be effectively encountered. By all means let education, and especially religious education, be promoted and pressed

forward by every possible effort and instrumentality : but whatever efforts may be used, with whatever eventual success, the results are but in the dim distance ; and to gaze at them as though the educational were the only agencies to be employed, is a mere evasion of a painful duty.

Another well-worn plea for legislative inaction in such subject-matter, is the maxim that moral evils can only be encountered by moral means. When such maxims take possession of men's minds, they will often spread and flourish with little regard to the root from which they have sprung, or the field they should be allowed to cover. The moral offences which penal law cannot deal with are those only which cannot be brought out in evidence so as to be justly measured and judged.

An example has been recently afforded of a much grosser error. A person of high position, whom (not certainly for his own sake) I am unwilling to designate, has been found capable of saying, at a public meeting, that he had rather see Englishmen drunken than not free. If a man is to be an advocate for liberty, it would be well that he should know what liberty is. Can any slavery be imagined which is comparable to that of the man who is enslaved by drink ?—

“ The sensual and the dark rebel in vain,
Slaves by their own compulsion.”

What liberty is his ? And where is the liberty of the wife and children whom he starves, or beats, or maims and mutilates, or murders ?

The provisions of English law which, in my view of them, stand next for reconsideration in respect of the proportion of punishments to offences, are of a class which may involve more serious differences of opinion. Throughout the Consolidating Acts there are wide distinctions taken in the punishments for crimes consummated and for attempts, accidentally abortive, to commit the same crimes.

The Code Napoléon refuses this distinction in the case of "crimes," *i.e.*, the gravest class of offences:—"Toute tentative de crime qui aura été manifestée par des actes extérieurs et suivie d'un commencement d'exécution, si elle n'a été suspendue ou n'a manqué son effet que par des circonstances fortuites ou indépendantes de la volonté de l'auteur, est considérée comme le crime même."* But the provision is not extended to "délits" (*i.e.*, offences of the second order of gravity) as a general principle, but only when it is so extended by the special law relating to the offence. Austin† seems to have disapproved the French law on abortive attempts as not giving a *locus penitentiae*; but in the above article it is plainly not open to any such charge; and I think the disapproval must have had reference to some special laws which, owing to the fragmentary state in which Austin's notes were left, are not designated. Bacon

* 'Code Penal, Dispositions Préliminaires,' Article 2.

† 'Austin's Jurisprudence,' vol. ii. p. 1098. Notes on Criminal Law, chap. 4, 3.

would have had abortive attempts punishable by his "Curiae Censoriae," which were to have a jurisdiction supplementary to that of the ordinary Courts and somewhat more arbitrary:—"In Curiis Censoriis omnium magnorum criminum et scelerum actus *inchoati* et *medii* puniuntur, licet non sequatur effectus consummatus; isque sit earum curiarum usus vel maximus; cum et severitatis intersit, initia scelerum puniri; et clementiae, perpetrationem eorum (puniendo actus medios) intercepti."—(De Aug. Sci., lib. viii. Aphor. 41.) No doubt the law should allow a *locus penitentiae*, as Mr. Austin and every other Jurist would advise: but the English law requires no repentance: whereas it may well be a question, not only whether repentance should not be required, but whether the person guilty of the attempt should not bear the burthen of proof that it was repentance which arrested consummation.

There is another ground commonly alleged for visiting attempts with lighter punishments than consummations. It is said that a victim of crime might sometimes be partially spared, if the criminal knew that the risk he incurred would be of a lesser punishment should he stop short. But this argument seems to apply to the case of a lesser offence attempted and consummated, rather than to an abortive attempt at a greater offence; for the cases will be very rare in which a criminal will begin by attempting the greater offence, and then, bethinking himself of the greater punishment, change his

mind in the course of his action and attempt the lesser. For example, in the case of murder, which is perhaps the case which mainly affects men's minds, it is by a mere technicality of English law that an assault with intent to rob resulting in the death of the person assaulted, is called by the same name of "murder" as an assault with intent to kill. It may well be that a criminal whose only object is to rob, will stop short of killing with a view to hazard only the lesser punishment. But it can hardly be, that a person whose object is to kill, will wound, not mortally, and then change his mind and hold his hand, because, having incurred a lesser punishment by his attempt, he would incur a greater in effecting his object. The substantial operation of the English law is to make the punishment the same whether death is or is not intended, provided death results: in this way making it the interest of the criminal, not only not to kill, but not to attempt to kill.

May it not be, therefore, that it is the confused terminology of the English law, designating as murder certain cases of killing without intent to kill, which has led people to suppose that there is any sufficient reason for assigning less punishments to attempts than to consummations, on the ground of affording an inducement to desist?

By the English law, before 1837, all attempts to murder were punishable with death. Then attempts attended with danger to the person; then only attempts

attended with grievous bodily harm; and now, finally, the attempt may leave the victim maimed to any extent, and if (unfortunately for himself) present death should not ensue, the law exempts the criminal from capital punishment.

It would seem more reasonable to remove capital punishment from killing without attempting to kill, and award it for attempting to kill without killing.

At the same time, the burthen of proof that killing consummated in the commission of an unlawful act was *not* attempted, should be upon the offender.

As the law stands in the 24 and 25 Vict., cap. 100, sects. 1 to 15, attempts to murder are punishable with penal servitude for life as a maximum, but *may* be punished with only two years' imprisonment with or without hard labour, or even with any shorter term.* If murder were to be duly defined, and the term were not allowed to include some technical murders which have little or nothing in common with other murders, it would not be easy to imagine an unrelenting attempt to murder, defeated merely by accident or miscarriage,

* An observation made (by a Cabinet Minister) on this point says, "If I remember rightly the attention of Parliament was scarcely called to this notable change in the law, which was made in a bill professedly to codify the criminal law." I fear that there is but little hope that the inadvertency will be corrected. Except in conjunctions when the public mind is startled into just conclusions, and the effeminacy of indulgence yields to the effeminacy of panic, it is seldom practicable in this country to go back from lenient legislation.

which would deserve no other punishment than this : nor would it be easy, perhaps, to justify a measure of punishment for the abortive attempt in any way different from that awarded for the attempt consummated.

The same question arises in regard to divers other offences and attempts, dealt with in like manner by the 24 and 25 Vict., cap. 100 ; and I suppose there must be to be found somewhere, though I have not met with it, some exposition by jurists of the principle on which such legislation proceeds. I have been unable to invent one ; and the light of nature scarcely shows the way to it. Eminent jurists have, indeed, maintained that the punishment of crimes should not be apportioned to the measure of their moral guilt ; and if so, the fact that an abortive and a consummated attempt are morally on a par, would not be a reason for parity of punishment. But the standard which these jurists espouse as the paramount and only standard—that of evil to be averted combined with adequacy to deter—seems, equally with that of moral retribution which they renounce, to demand the parity of punishment. If attempts are not adequately punished attempts will not be prevented : and there is no reason to infer that, because the inadequately punished attempts are the unsuccessful ones, therefore those which are not prevented will be unsuccessful : nor is there any reason to suppose that the punishment which is inadequately deterrent when awarded for a successful attempt, will be adequately deterrent when awarded for an unsuccessful attempt.

But for my own part I do not adopt the doctrine that Penal Law has no concern with moral retribution. I am of opinion that analytic habits of mind have constrained these jurists within lines of science which a larger philosophy should lead us to overleap. It is true, no doubt, that Criminal Law cannot permeate the moral relations of mankind, being too gross an instrumentality: for criminal tribunals are not competent to investigate moral offences and adjudicate upon them, when the nature of the offence is such that the essence and degree of its turpitude cannot be duly brought out in evidence. But it does not follow that there should be no moral sense in the administration of criminal justice, or in the penal legislation by which it is to be guided. On the contrary, there is nothing more important than that penal legislation and the moral heart of mankind should be in the most intimate communion, each supporting and reacting upon the other. And a law taking a distinction where there is no moral difference, and where no question of incompetency to investigate arises, seems to be at variance with those principles of moral retribution which it should be one great object of Criminal Law to support and cherish in the minds of the people.

But it will be said that in order to the communion the sentiment must be reciprocal; and that if the popular mind takes a distinction where there is no difference, the law must do likewise. It is true that, especially when concerned, not with an actual case, but with a question

of legislation, the sympathy of the people with criminals is largely disproportioned to their sympathy with the victims of crime. I think, however, the necessity of making legislation and practice bend to public feeling is sometimes too hastily and indiscriminately assumed. It is, of course, highly important that public feeling and law should work together, and it is when they do work together that both crime itself and the germs of crime and criminal tendencies will be most effectually repressed; and any severity of the law which stands in extreme opposition to public feeling will defeat its own end, inasmuch as juries will refuse to convict, and sometimes even Judges will evade the duty which the law lays upon them. But it does not follow that the law is to be absolutely servile to the public sentiment, where that sentiment is unduly indulgent to crime. The law will lift the public mind no little way, provided it be not itself pitched too high. When public feeling is widely at variance with a just moral standard and with public interests, the law should not conform strictly to either, but by a mediatory operation draw them together. And the law may safely assume to teach the public mind, when, as in the case of attempts to murder, the reason of the case is plain, and the error of the public mind, if indeed in this particular instance any such error exists, is mainly that of a dull moral sensibility which requires that death should ensue in order to feel that the full moral guilt of murder has been incurred.

At all events, it cannot be necessary that any case of an unrelenting attempt to commit murder (duly defined murder) which is accidentally defeated, should be placed upon no worse, and even a better, footing than the numerous cases of dishonesty for which imprisonment for two years may be awarded, and not imprisonment only, but imprisonment with hard labour.

Bentham, speaking of the criminal law as it stood in his day in respect of capital punishment, said with some justice that the principle on which it proceeded was, that it did not signify how many men were murdered, so long as for every man murdered there was another man hung. The reaction from it in our time seems to have aimed at establishing the principle that it does not much signify how many cut-throats are abroad, so long as there is not for every cut-throat a throat cut,—and cut effectively from ear to ear. A mangled man, it is assumed, will not be enough to brace the moral sense of a jury; there must be a man dead.

The mismeasurement in respect of attempts to murder on the one hand, and some fraudulent delinquencies on the other, is, I think, only a specimen of the like mismeasurement in respect of offences against the person, as compared with offences against property, which pervades much of English law and administration of justice.

It may be that there is something in English popular sentiment which falls in, to a certain extent, with this

state of law, and with the even more than necessary effect given to the law's obliquities by some of those by whom penal laws are put in force. It may be that English love of money is stronger than English love of personal immunity, or even of life; and that English popular feeling is more tolerant of cruelty and violence than of fraud. The prevalent respect for bodily strength and contempt for bodily weakness, carries with it some leaven of the like toleration. What is brutal is supposed to cherish what is manly; and boxing matches and steeple-chases, and the exhibition for money of feats of strength and agility involving danger to life and limb in men, women, and children, as well as in animals, are countenanced and applauded; and not by the dregs of the people or the scum of the aristocracy only, but by other classes. Within the last twenty years, it is true, there has been a growing toleration of fraud also; but chiefly, if not entirely, of commercial fraud,—owing probably to the Limited Liability Act, which involves the interests of the uncommercial classes in the condonation and concealment of commercial frauds, and thus corrupts that public opinion external to the commercial classes which was formerly brought to bear upon those classes in unbroken force. But this toleration of dishonesty has not yet affected legislation or the administration of justice in the range of such offences against property as, being committed by the same classes as those which commonly commit offences against the person, come naturally into comparison with them.

If it be the fact that the public mind errs on the side of indulgence towards crimes of cruelty and violence, as compared with others, I do not think that the law is under any necessity of conforming itself to the error. I believe that if the law and the administration of justice were to maintain true standards, the conformity would be the converse way, and the public mind would adjust itself accordingly.

I have one question to propose on the subject of evidence and then I shall come to an end. In our administration of justice the evidence of previous convictions is produced only after the verdict. I think that, with some exceptions perhaps and under certain conditions, it should be produced before. If the object is to arrive at the truth whether a man has or has not committed an offence, the fact that he has been previously once or oftener convicted of offences of the like nature, is circumstantial evidence of a very cogent character. There is no reason to fear that this, any more than other circumstantial evidence, will lead the jury to convict a man of an offence he has not committed. And in other cases in which circumstantial evidence is allowed to prevail, it may be, though happening so very rarely the objection is justly disregarded, that an innocent man is convicted. But a man who has already been convicted cannot be called an innocent man; and the whole tenor of our criminal statistics tends to show that he may be assumed with something like certainty to have committed divers offences in which he

has not been detected ; or for which, from defect of evidence or other causes, he has never been punished. The case is not, therefore, the grievous one of an *innocent* man being punished for an offence which he has not committed ; nor is there any real injustice in making the previously convicted man suffer for the suspicions to which his own acts have given rise, provided every endeavour shall be used to see that those suspicions carry no more weight than is fairly due to them as circumstantial evidence.

But better, it is said, "that nine guilty should escape than that one innocent should suffer." The one innocent that escapes has been already guilty of one, two, three, half a dozen offences of which he has been convicted (I have already stated the number of offenders in the year 1866-7 who had been more than ten times recommitted to amount to 3927), and probably of ten, twenty, or thirty offences in which he has not been detected. And how many are the innocents that will suffer? All the victims of the crimes of which he will forthwith re-commence the commission. And how many they who are to suffer by the escape of the *nine* guilty? Nine times that number. The maxim is questionable enough, even in the case of casual criminals ; but it is preposterous when extended to previously convicted criminals. The late Lord Cranworth, the highest authority that can be quoted on such a subject, took exceptions to this maxim in his evidence before the Commission on Capital Punishment. And the authority of Rochefoucauld may also deserve some

attention : " Il s'en faut bien que l'innocence soit protégée autant que le crime."

In coming to a conclusion of what I have to say upon Penal Law, I am aware that I, not being a lawyer or a jurist, may be myself charged with that with which I have charged the House of Commons,—not leaving to experts what experts only can understand. The charge would be just if I had assumed to possess the faintest colour of a competency to construct a Code. But I know that you at least, with the friendly indulgence with which you are wont to regard whatsoever I may write, will bear in mind that it is with the principles only of Penal Law that I have claimed to be conversant; and that those are concerned much more with a knowledge of human nature than with a knowledge of law. I must hope that there will be others also who will forgive anything which may seem like arrogance in what I have written; though there are not many who will be so forgiving as you.

Believe me,

Ever yours sincerely,

HENRY TAYLOR.

[Shortly after the date (1869) of the foregoing letter to Mr. Gladstone, the services of Mr. R. S. Wright, a jurist of eminent ability, were obtained for the construction of a Penal Code and a Code of Procedure for the Crown Colonies, in which are embodied such of my views as Mr. Wright saw reason to adopt and the Secretary of State for the Colonies found himself enabled to approve. These draft Codes are now, I believe (January, 1878), about to be presented to Parliament.]

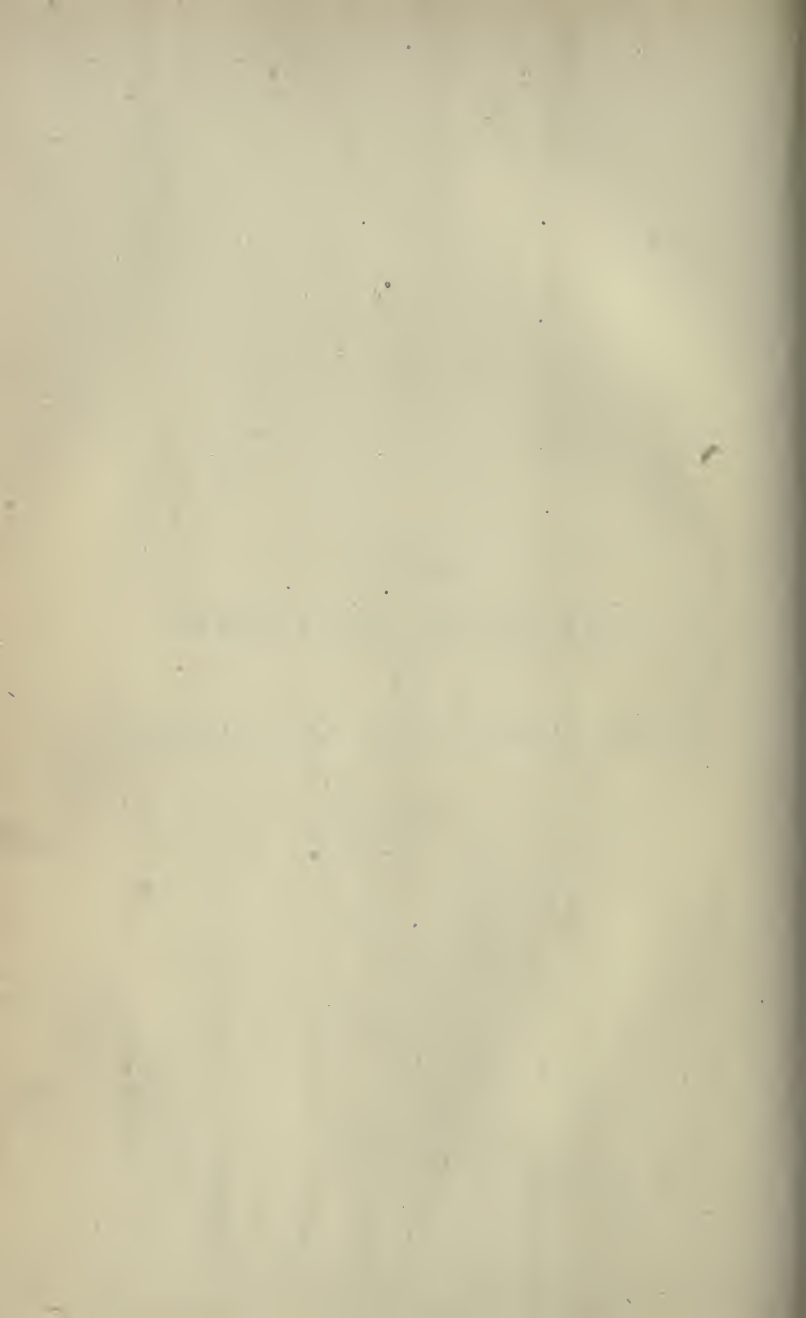
THE HISTORY OF THE CITY OF BOSTON

From the first settlement of the city in 1630 to the present time. The city of Boston was founded by a group of Puritan settlers who came to the Massachusetts Bay in 1630. They were led by John Winthrop, who gave the city its name. The city grew rapidly and became one of the most important cities in the New England colonies. It was the site of the Boston Tea Party in 1773, which led to the American Revolution. The city was also the site of the Battle of Boston in 1775, which was a decisive victory for the British. The city has since become a major center of commerce and industry in the United States.

1773-1775

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REVIEW OF
JOHN STUART MILL'S WORK
ON
"THE SUBJECTION OF WOMEN."



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TAKING Mr. Mill's essay as the work of a philosopher applying himself, on this occasion, not to an act of investigation, but to an act of advocacy, I cordially share the admiration generally bestowed upon it. Mr. Mill is of course intellectually incapable of overlooking, were he willing to perceive, much that lies beneath his argumentation and much that stands over against it; and his language of confidence and conclusiveness must be understood as belonging to the art of advocacy, dictating, for the moment and for the purpose, its own limitations to the reach and scope of his philosophic mind. He knew that, to produce the effect he desired upon popular sentiments, there must be no word, or but one word here and there, of doubt or hesitation; and that the

* First published in February, 1870.

most arduous and complex questions which human history and human life can present, must be dealt with by a bold, rapid, and decisive handling; and he knows also that this forensic suppression of half the question and bogtrotting evasion of the difficulties, is perfectly justifiable in a philosopher when treating of a subject on which counter-advocacy is certain to be provoked; being indeed nothing else than the sub-division of labour in the cause of truth.

But there is a third method of treatment which, though less popular, may not be without its use; and a sceptic, who neither affirms nor denies many of Mr. Mill's conclusions, may be allowed to cast his weak and wavering glances here and there upon two or three of them:—

“Some will object that a comparison cannot fairly be made between the government of the male sex and the forms of unjust political power which I have adduced in illustration of it; since these are arbitrary and the effect of mere usurpation, while it, on the contrary, is natural. But was there ever any domination which did not appear natural to those who possessed it?”

And, according to Mr. Mill, what *is* natural is, that man should not arrogate, nor woman undergo, any rule of the one over the other.

If Mr. Mill's antagonists shall play upon the surface of the subject in the way he thus supposes, it may suit his advocacy to play with them; and I can understand

how it comes that such a shuttlecock of a word as the word "natural" should be thus tost backwards and forwards. Had it suited Mr. Mill's purpose and his plea, he would have denounced the word as, in this application of it, either unmeaning or demanding divers developments in one direction and limitations in another to give it significance. He knows that whatever is (miracles excepted), is natural, and that that which is natural may just as well be evil as be good. Of course if the word is to indicate anything that is relevant to the issue, it must have reference to something in nature so elemental, stable, and durable, that, whether it be good or evil, time and circumstance will find it indestructible,—something which, if evil, cannot be helped, and not only cannot be helped in time present, but never can be helped in this world's hereafter : it must mean that woman's subjection,—as it was in the beginning, is now and ever shall be,—arose not merely out of variable operations of nature,—which would make it natural in one sense,—but out of an universal and perdurable law of nature, which would make it natural in quite another.

Taking the word in this latter sense, his arguments from assumed political analogies,—the conditions of slavery, of military subjugation, of civil despotism,—all mutable and perishable,—are misdirected. Russia subjugates Poland, and the subjugation and consequent subjection is natural ; but natural only in the sense of being a result of nature variably operant through variable

2. 1 circumstance. It is according to nature that, in the main, governments should be the results of peoples. But peoples are subject to time and change. The people of Poland were, at the time of their subjugation, a people to whom anarchy and faction were natural. In this their condition, subjugation by a foreign power, and the consequent subjection, was natural;—natural, not by an immutable law of nature, but by a terminable operation of nature. The question is, in which of these senses the subjection of woman to man is natural. Mr. Mill assumes that it had its origin in mere inferiority of physical strength; and could I concur with him in his assumption, I should so far concur with him in his inferences, as to perceive that, if there is no other reason for it than that, the intention of nature might very possibly be that it should come to an end. Nature does not often mean what she begins with; and nothing is more natural than that physical strength, except in so far as it ministers to intellectual energies and mental health, should play a continually diminishing part in civil and social relations. It is, or seems to be, a permanent law of nature that women should be inferior to men in physical strength; but the physical strength of man operates powerfully or faintly according to circumstance. In savage tribes, and in the lower classes of civilised communities, it operates powerfully; and if the subjection of women were found in these alone, the inference might be that it was natural only as belonging to nature's fugitive operations; for

savages may cease from the earth, and the lower classes may be raised to the level of the higher. But the subjection of women not only reaches to the classes in which the influence of physical strength is evanescent, but it is derivatively from those classes that the principle has found its footing in our jurisprudence ; for it is by those classes that our common law was originally constructed and has been from time immemorial administered ; and in its administration, though modified and controlled by equity jurisdictions, yet essentially and in its general operation maintained. The reasonable presumption seems to be, therefore, that, both in times long past and more recently, some other ground-work than physical strength must have existed for the laws and customs giving predominance to man over woman. Does this ground-work, whatever it be, exist still, and will it exist always ? Is the predominance to be sought in nature's grants to man in perpetuity or in her long leases ? It is in the upper classes that nature commonly gives the earliest indications of a mutable purpose. It is they that first begin to float. For about two hundred years the Courts of Equity have found means to protect the property of married women of the upper classes by the device of marriage settlements, and thereby in some degree to detract from marital predominance. In some countries, especially in the United States and in Canada, the common law by which the rights of property were denied to married women has been abrogated by

legislation ; and in this country there has been a current of opinion running in the same direction, and new legislation is in progress. Nor is it at all improbable that changes affecting man's predominance in marriage will proceed much faster than they have hitherto and much farther than the point which has now been reached. But it is precisely this accelerated movement of innovation and change in public opinion which is apt to hurry the minds of some philosophers and project them into larger inferences of subversion to come than a reasonable survey of the past and present may be found to warrant. If a modifying spirit is now at work, and may be expected to continue at work till much greater improvements have been made in the relations of the sexes than any yet in operation or likely to be immediately entertained by the Legislature, it is nevertheless not to be forgotten that for long ages, and in all countries, and in all classes of all countries, law, custom, and opinion have universally sanctioned and enforced some more or less predominance of man over woman ; and it is reasonable to presume that had there not been a foundation less unstable than social circumstance for the predominance to rest upon,—had not the predominance been supported by some immutable law of nature,—nature's onward operations would have long ago, in one time or another, in one country or another, landed the sexes in *legal* equality at least, and, amongst the classes in which physical strength stands neutral, in social equality also.

More or less connected with the question how far the subjection of women is natural, in one sense or another, is the question whether any such subjection is expedient and just; and whether in one degree or another it will be so always. And here, again, I may follow Mr. Mill's example of adducing political analogies, and revert to my former illustration. If I have allowed myself to say that the subjection of the Poles to Russia is natural, using the word in its loose and popular sense, what I meant to convey was, not certainly that the government of Poland by Russia was good government; the quality of the government was not in question; but from the fact of its being natural we may infer the possibility that, bad though it be, it may be better for them than any other that is at present practicable. And as to the question whether it is just, we may have no doubt that it involves much and very cruel injustice; but whether it is on the whole favourable or unfavourable to justice will depend on the answer to another question,—whether there is more injustice perpetrated by Russians upon Poles than, in the absence of Russians, had been formerly and would have been still, perpetrated by Poles upon each other; and if so in the past, whether it will be so in the future;—whether, for example, in the course of time the cause of justice may not be promoted by the emancipation of Polish serfs as a result of Russian rule: and upon that comes the question whether Polish subjection may not cease

and whether, through the consolidation of classes or other regenerative processes, the Polish race may not attain to a fitness for political independence, and through the fitness to the fruition. And so of the subjection of woman to man. If it were natural only because women are not at present all that they should be and might be made, it should be regarded as good and just only in so far and for so long as women shall not be fit for independence ; and we should be at liberty to admit that the time might come, or may be now at our heels, when it may be natural and fit that neither sex should rule the other, which is Mr. Mill's ideal of fitness ; or that woman should rule man, which hitherto does not seem to be any one's ideal. But if the question is to be determined by the reference to history and political analogies to which Mr. Mill invites us, the conclusion seems to be that at which he has *not* arrived. For whereas the ground of difference between nations and organized communities, and even the ground of difference between races, is manifestly a shifting ground, and the history of all ages is a history of conquerors conquered and of degeneracy in one race and invigoration of another, the difference of sexes, according to the same universal history, would seem to be a perennial difference ; and the relations of supremacy and subjection arising out of it, to admit of modification indeed, but not of reversal or overthrow. And if the historical argument be assumed to show that Poland may one day be fit

for independence, and that independence may one day conduce, not to anarchy and strife, but to the cause of justice and to more of happiness for Poland, the same argument tends to show that that day will never arrive for woman.

The argument from history is, no doubt, as Mr. Mill asserts, in one sense one-sided. As history contains no record of woman released from man's control, we cannot form any notion from history of how she would demean herself or what would happen to her if she were released. And thus, Mr. Mill argues, we have hitherto no measure of her capabilities. Let her loose, and then we shall know more about her :—

"I consider it presumption in any one to pretend to decide what women are or are not, can or cannot be, by natural constitution. They have always hitherto been kept, as regards spontaneous development, in so unnatural a state that their nature cannot but have been greatly distorted and disguised ; and no one can safely pronounce that if women's nature were left to choose its direction as freely as men's, and if no artificial bent were given to it except that required by the conditions of human society and given to both sexes alike, there would be any material difference, or perhaps any difference at all, in the character and capacities which would unfold themselves." *

* More than a hundred years ago this identical position was taken up by Montesquieu : "Pourquoi aurions nous donc un privi-

And again he affirms, not only that in the absence of opportunities given we cannot know whether women could not do the same things that men do fully as well on the whole, but that he "sees not the smallest reason to doubt it."

It is true that we cannot know from experience what women would be capable of, should opportunities be given which have not been given. But what we do know is this,—that the opportunities which have not been given to women, women have not been hitherto capable of taking. Opportunities are the result of capabilities, more than capabilities of opportunities; though each is in turn, and to a certain extent, the result of the other.

Upon the ground of his supposed equality of capacities, Mr. Mill proceeds to demand for women "equal justice," "equal rights," and other equalities,—always as something founded in nature; and he affirms that "society in equality is its normal state."

Let us listen, however, to a greater philosopher (and few are they that *are* greater) than even Mr. Mill. "Intellectus humanus ex proprietate suâ facilè supponit majorem ordinem et æqualitatem in rebus quam invenit;

lége? Est ce parceque nous sommes les plus forts? Mais c'est une veritable injustice. Nous employons toutes sortes de moyens pour leur abattre le courage. Les forces seroient égales, si l'éducation l'étoit aussi. Eprouvons les dans les talens que l'éducation n'a point affoiblis, et nous verrons si nous sommes si forts."—*Montesquieu*, 'Lettres Persannes,' 38.

et cum multa sint in naturâ monadica et plena imparitatis, tamen affingit parellela et correspondentia et relativa quæ non sunt." * And where in truth shall we find equality to be the condition presumable in the order of nature? Nature renounces equality in races, renounces it in individuals, renounces it both in themselves as they are born into the world and in the fortunes that attend them. Breeds differ, and men of the same breed are by birth unequal in all sorts of attributes,—in stature, in health, in beauty, in understanding, in moral susceptibility, in energy, in passion. Of one man you can affirm little more than that he is not a monkey; of another little less than that he is not an angel. So are they born, and being born, the fate that awaits them is as diverse. One is rich, and his feet are set in a large room from the first; another is poor, but has it in him to become rich; a third inherits, and a fourth achieves, social or political predominance; a fifth becomes intellectually pre-eminent: whilst the multifarious multitude ranges through every variety of fortune allotted by nature to strength or weakness, stupidity or shrewdness; and through every variety also which is tost to the hand of one man or another by the chances of life. And amidst this nature's world of inequality, what is it that is meant by "equal justice," and has justice much to do with equality? Mr. Mill will say, no doubt,—men are unequal, but let them have equal opportunities, and, freed from all artificial hin-

* 'Novum Organum,' xlv.

drances, be the agents and arbiters of their own destinies. If this be good for mankind, as is quite possible under certain conditions of society, let it be the object of our endeavours accordingly; and if Mr. Mill pleases, let it be called by the name of "justice;" but equal opportunities to unequal forces will by no means tend to ensure equality of freedom or equality of fruits. Give all opportunities of aggrandisement to wealth, and will not wealth become an instrument of oppression? Give physical force all opportunities, and will it not revel in the pride of power? Remove all hindrances out of the way of intellect, and what tyrant on earth will be more imperiously despotic? But "equal justice," it will be said, means indeed equal opportunities and equal freedom of action to all; but only so far forth as no wrong is done by one free agent to another free agent; that is, it means no more than that the shield of civil and criminal jurisprudence should be thrown over all alike. If this and no other equalisation were meant, though it is a very sorry approximation to real and practical equality, yet there is a strong presumption in favour of it;—stronger, however, in respect of criminal than in respect of civil law; for the right to protection of the person is very large and general in its scope, if not universal; whereas property is the creature of law and expediency. But when we are further called upon to include in equal justice equality of social and political power, a much bolder advance is made into the region of

hypothetical expediency; and we are brought amongst the equalities of which all that I will affirm at present is, that "Nature" and "Justice" have very little to say to them. Political power, as derived from political franchises, *may* be necessary to women in order to secure their personal protection. May or may not be necessary. Probably any amount of social influence which would suffice to procure the political power, would suffice, without the political power, to procure all the legislation required for the personal protection. And it never should be forgotten that power, in itself and for itself, is not, either in man or woman, a legitimate object of desire: nor is the lust of power at all the more legitimate because, in our days, that ancient siren so often takes the name and counterfeits the virtues of

"The mountain nymph, sweet Liberty."

Men may lawfully woo the siren for access to the nymph: but even men may only do so if they are fitting suitors. And if women demand a political franchise, they should remember that, if demanding it as something to be *enjoyed*, they show themselves *ipso facto* to be unfit for it; inasmuch as it is a function, not a fruition, a trust and not a gift,—and a trust to be vested in those only, be they male or female, who are likely to conduce by their exercise of it to the well-being of the beneficiaries; to the greatest happiness of the greatest number,—if that is the formula most acceptable to Mr. Mill—(always pro-

vided that the lesser number are not so tormented as to give suffering a preponderance in the total result). And when Mr. Mill demands the franchise for women on the ground that they are equally competent with men, his inference is, in my apprehension, insufficiently supported. He should extend his ground, and say that they are more competent than men; or that (if not more competent on the whole) they have elements of competency which are wanting to men. A constituency identical in competency will do no better for being doubled in number.

It is hard for any one not accustomed to form his opinions by jumping into the air, to come to any assured conclusion as to what sorts of people are competent to exercise political franchises. Theoretically and at first sight, one would say only those few who are qualified by high education and considerable gifts of intelligence to judge of political and legislative questions. Practically we know that the politically wise few are not morally good enough to exercise their judgment disinterestedly for the benefit of the many, unless controlled by the many. It becomes necessary, therefore, to give franchises to large numbers who are wholly incapable of forming a just judgment of their own upon political questions. They are quite as little disinterested as the wise few, and they are not more good; it is their being interested, and their being many, which makes them a desirable element of power. But the interest of large numbers is often opposed to the interest of other large

numbers, and also to the interests and just rights of small numbers; and moreover the devotion of large numbers to their own interests is apt to be a blind devotion, tending to the destruction of the interests which they desire to cherish, as well as of those they desire to destroy. What seems expedient therefore, is, not so much that the many should give their attention to political questions and strive to do that which for the most part it is impossible that they should do,—form a just judgment respecting them,—as that they should perceive and acknowledge their own incurable ignorance and incapacity, and seek the guidance of the persons within their reach whom they may have reason to think at once capable and trustworthy. Many can judge of a man who cannot judge of a question; and the presumptuousness of ignorance is less to be anticipated in forming the one judgment than in forming the other. Now, in applying these views to the question of women's eligibility for the suffrage, I think there is a good deal to be said for women's eligibility. Women are,—and I think justly,—generally supposed to have a gift of truer insight into the characters of men than men have; they have for the most part a higher value for goodness in men; and having more humility and a juster sense of their own incompetency to judge of politics and political questions, they may be more confidently expected,—first, to seek for the guidance they need, and second, to know where to find it. Possibly they might be more open than men of

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the same class to what is called corruption: that is, knowing no reason why they should vote for one incomprehensible policy more than another equally incomprehensible, and knowing that five pounds would enable them to provide medical attendance for a sick child or a less squalid and unwholesome lodging for the family, they would be more ready to indulge their domestic affections and commit one of those statutable offences which, in their eyes, does not wear the appearance of an offence against natural morality. But this I should scarcely regard as any serious evil. On the whole, therefore, if I were given to make wild guesses (for on such subjects what opinion can be formed which deserves a better name?), I should incline to agree with Mr. Mill as to the expediency of giving the suffrage to women; though I should by no means agree with him as to the grounds for giving it.

The great question which is practically before Parliament and the country at present, is the Married Women's Property Bill.

This is a measure founded in justice and expediency, and of great magnitude and importance. To me it appears that it cannot but operate beneficially in every class of society, though in some classes it may not operate largely. In the upper classes it will not perhaps effect much more than marriage settlements for separate use and due testamentary dispositions in favour of

married women *might* effect without it : but I believe that the cases are far more numerous than some lawyers in Parliament seem to suppose, in which, from one motive or another, or from mere neglect, the needful provisions of this nature are omitted. Mr. Mill alleges (Commons debates, June 10, 1868), that notwithstanding settlement for separate use of the wife's income, the husband has a right, under the present law, to take it from her as soon as she receives it. If so, it is to be hoped that this Bill will give additional security to the wife's enjoyment of her own, even where settlement for separate use may not have been omitted. But no doubt, so long as husband and wife live together, there must be much difficulty in effecting a division of income and expenditure on the principle of each enjoying, without encroachment, what each owns. Generally speaking, law is too dense an instrumentality to penetrate the economy of households. Still, such a law as that in prospect will give relief; and the courts will know how to administer it in extreme and scandalous cases, if not in others; and it will have a more general operation in declaring a standard and criterion of obligation which cannot but have its effect in all those innumerable cases in which husbands merely fall into unjust and selfish courses because the law now to be abrogated has made such courses customary. For it is needless to say, that a most important operation of law is in giving a beneficial guidance to the operation of customary sentiment—"Mores leges perdixerunt jam

in potestatem suam." How far the new Bill may modify what some of its advocates in Parliament call the "paramount authority" of the husband, and what others call his "just" or his "proper" authority, in cases in which the wife is rich and he is poor, depends upon what views we take of this paramount, or just, or proper authority. If there be a natural predominance of man over woman, and of husband over wife (which I neither affirm nor deny), wives, Mr. Mill would say, will be unable to assume an independence which nature contravenes, for "what women by nature cannot do," he tells us, "it is quite superfluous to forbid them from doing;" and if so, the new law may be left to contend against nature in vain; and the just marital authority will hold its own provided the marital authority assumed to be just is no more than that which is natural. And in this I incline to agree; and though, if there be a natural authority of man over woman, there is also an authority scarcely less natural of the rich over the poor, and it is possible to conceive the case of a wealthy wife exercising a tyrannical authority over a destitute husband, yet in the case of husband, as well as in that of wife, pre-nuptial contracts will not be interdicted by the law, and a penniless gentleman, before he ventures to marry an heiress, may require to have a competency settled upon him for his separate use.

Perhaps, after all, the benefits of the law will be found less in facilities afforded for separate use than in

those afforded for separation *à mensâ et thoro*. These facilities, indeed, do not seem to enter into the contemplation of Mr. Mill; inasmuch as they are an escape from difficulties which he scarcely consents to recognize. "The rule," he says, "is simple; whatever would be the husband's or the wife's, if they were not married, should be under their exclusive control during marriage." If we were to look no farther, the simple rule would be in most cases, and in those in which its operation is most required, simply inoperative. The cases of easy-going couples, in which no difficulty would occur under the new law, are the cases in which no difficulty occurs under the old, and the wife has, if not all she has a right to, yet all she desires. Neither do the cases of the *un-easy-going*, in which separate use is provided for by settlement, appear to profit largely by the law, unless we look on to the *ultima ratio* of separation or divorce. But Mr. Mill is not disposed to look in that direction; for "the question of divorce," he says, "in the sense of re-marriage, is one into which it is foreign to my purpose to enter." And it would seem to have been equally "foreign to his purpose" to enter into the question of separation without divorce; for of that question, with all its incidents of custody and maintenance of children and the many complications it presents, he takes small account. Differences may arise, he admits; but they must find their way to a compromise on principles of equal justice, and no need to think of coming to extremities. Some alarmist, scared

at the prospect of seeing marital sway abolished, may uplift his voice and tell us that—

“ His soul aches
To know, when two authorities are up,
Neither supreme, how soon confusion
May enter 'twixt the gap of both, and take
The one by the other.” *

But Mr. Mill would make short work with his alarms. The difficulty, he seems to think, is solved at once by a reference to the case of a brother and sister living together (Commons debate of 10th June, 1868: ‘*Hansard*,’ vol. 192, p. 1371), and a partnership in business (‘*Essay*,’ p. 71). In all this I cannot concur. It may be “foreign to Mr. Mill’s purpose” to enter into the questions of divorce and separation, with all their brood of disputable problems; but these questions are absolutely vital and essential to the consideration of any scheme for the abrogation of marital authority, and they constitute a large portion of the question concerning conjugal rights of property: nor can the case between man and wife,—or, not to prejudge matters, let us say, wife and man,—be disposed of in a summary way by adducing the anything but analogous cases of brother and sister, or partners in trade. These are associated either from mutual affection or mutual convenience, and when the brother and sister cease to live in harmony, or the partners cease to suit each other’s purposes, they

* ‘*Coriolanus*,’ Act ii. Scene 3.

can separate. Marriage, if fulfilling its purpose of procreation, is a partnership of a different kind. In the great majority of cases indeed, as Mr. Mill states, married people of the higher classes manage matters by mutual arrangement ; living in what he calls "the spirit of a just law of equality," or what others would call "the spirit of a mutual and unforced dependence ;" but, as all will agree, without any strong pressure of authority : and where this is the case, the analogy of the other partnerships may hold good. But what the law has to contemplate is the numerous minority of cases in which the exercise of authority is indispensable to the arrangements of domestic life. Let the husband be imperious and obstinate, the wife conscientious, resolute and intrepid, and let them take opposite views of some serious questions,—shall the children be sent to this school or that, or to this or that church? or shall consent be given to the marriage of a daughter not yet of age? On such questions is the wife to be equally entitled with the husband to insist upon having her own way, and is the husband to be equally with the wife entitled to insist upon having his? and if so, what is to be done? For myself, I cannot but feel the force of Dogberry's dictum that "an two ride of a horse, one must ride behind ;" and if so it be, I should lean to the opinion that, unless *superiority* of judgment, and not merely equality, could be claimed for women, there is no reason for reversing the order of things hitherto customary, and putting the

bridle and whip in the hands of the wife, whilst the husband is placed on the pillion.

Nor is it a small portion of authority which, let the law say what it may, circumstance will of itself suffice to devolve upon the wife. Mr. Mill observes that the wife generally takes the management of the household and the bringing up of the children : and if it may be further affirmed that in general the husband has no choice and must of necessity yield the control of these to his wife, we may do well to remember what a substantial share of power is thereby committed to her hands, and how large a proportion of the matters of common interest will thus fall under her daily direction. Singly taken, the acts of authority may seem to be exercised upon trifles ; but we are to bear in mind that (in the language of an ethical poet once of unrivalled celebrity, now almost forgotten)—

“ Small sands the mountain, moments make the year ;
And trifles life.” *

And life being thus constituted, there is a result from the exercise of authority in trifles by the wife and not by the husband, which, though by reason of the comminuted form it may not be generally traced to its origin, should not be overlooked by those who would search out the workings of human nature in domestic life. Indifference to trifles is accounted a manly attribute : and so it is. A strong will is also a manly attribute. But in average

* Young's ‘ Satires.’

human nature there is, to some extent, a counteraction of the one manliness by the other. The will, like other forces, is strengthened by exercise and weakened by the want of it. In domestic life there is a daily and hourly exercise of the will by the wife, which is wanting to the husband. The husband may begin by complaining, when his will is thwarted in matters to which he is not indifferent; but as the married life proceeds and the two wills are respectively strengthened and weakened, finding complaint of little avail, he will be less and less disposed to resort to it; for ineffectual complaint disturbs the life of both to no purpose and brings home to the man an unpleasant sense of influence impaired. And as he more and more desists from complaint, his complaints, when he does hazard them, are regarded as acts of undue and inadmissible interference; for the right to complain is forfeited by desuetude, and it is from the habitually uncomplaining that complaint is least tolerated. It is thus that the natural or circumstantial preponderance of the wife in everyday affairs has an inevitable tendency to strengthen her position generally; and, as far as my observation of life enables me to judge, I should say that in the majority of couples, overtly or otherwise, the wife rules. I remember saying so to a very watchful and acute observer of life, who replied that such was her experience also; with this addition,—that for the most part, when it was otherwise, the marriage was not a happy one. In politics the conjunction of physical force with

political supremacy is said to produce the worst form of tyranny ; because it is in that conjunction that tyranny has nothing to fear. In domestic economies, if the husband tyrannizes, there is no help for it. If the wife, the husband *can* rebel.

If the law, then, shall leave in the hands of the husband all the authority, such as it is, he now possesses, excepting only that which is exercised over the wife's property, what change will this exception introduce into conjugal relations in cases in which the wife has property of her own? But little, as I have said already, in the ordinary easy-going cases : but little, also, in the cases of domestic discord in which the wife cannot afford to separate : but possibly a great deal in cases in which the wife is rich enough to maintain herself and children in separation, and the husband is not rich and is disposed to be harsh and tyrannical. For though the law may fall short of such subtle efficacy as would be required to adjust a debtor and creditor account between husband and wife in the details of income and expenditure so long as the household is one and indivisible, it may nevertheless avail to warn the husband that, should he pass certain limits of ill-behaviour, it will be competent to his wife to effect a separation, not with the mere alimentary allowance which the Matrimonial Causes Court might award under the existing law, but with all the property that belongs to her : whilst, his own means being by the hypothesis insufficient for the maintenance of the children,

she might have it in her power to take them along with her. Such an issue would, no doubt, be matter for adjudication by the Courts ; but the law's recognition of her exclusive rights of property could not fail to affect the principles on which the awards in such cases would be founded ; and though, if there were faults on both sides, the separating wife might be required to leave some or all of the children with the husband and make provision for them out of her property, the provision, to conform to the principles of the law, would be computed on the basis of mere alimentary allowances.

There is yet another way in which the law might operate to the advantage of a wife rich enough to support herself and her children, and suffering from the ill-behaviour of a poor husband, even when not amounting to legal cruelty. She might induce him to retire upon a pension : and this remedy, if used only in the last resort and upon just and adequate grounds, might not come amiss. But again, the ill-behaviour or perversity might be mainly on the wife's side ; *she* might be the tyrant, and he

"The rack and light leaf of her termagant blasts." *

And further, there may be a desire, not only to eliminate him, but also to supplant him. In such cases it is clear that the power vested in the wife of buying out a much-injured, but not very valiant and somewhat mercenary

* Darley, 'Errors of Ecstasie.'

husband, would be liable to a good deal of abuse. The old Roman formula of divorce implied that the wife was to take with her what belonged to her ; but the words put into the mouth of the husband seem to express that he is rather turning her out of doors and hurling her goods at her head, than dismissing her with an acknowledgment of her right to them. “*Res tuas tibi habeto ; tuas res tibi agito ; exi, exi, ociùs ; vade foras, i foras, mulier, cede domo.*” When similar power is given to a wife to turn a peccant husband out of doors in a like spirit, with his goods—or if he has none, with an alimentary allowance—there may be no great harm done ; but when the further power is given her, be he peccant or be he merely pliant, to open the door and beg him to go, taking with him what will make him quite comfortable, instead of (what she may have found it convenient to make him) very much the reverse, a question may reasonably be suggested whether the moralities of conjugal life will be as much promoted as the mutual satisfaction of the parties. And it may be worth while to observe that in the latter days of Rome, when the stricter forms of marriage were generally exchanged for that termed ‘*usus*,’ which gave to the wife, along with separate proprietary rights, equal rights of repudiation to those possessed by the husband, what happened was that marriage became a very tenuous tie. Mr. Lecky* cites from St. Jerome a case (an extreme one of course) of a wife who, marrying a twenty-

* ‘*European Morals*,’ ii. 325.

third husband, became his twenty-first wife. He does not cite it without a caution against exaggerating the effects of merely legal changes, remarking that in a less impure state of public opinion than existed in Imperial Rome, a wide latitude of claiming divorce might have been allowed to both wife and husband without serious consequences. And this may be: but no doubt independent rights of property, even without facilities of divorce (collusive or other), must afford additional opportunities of separation.

So much for the new legislation as affecting people of property. It will be capable of doing some harm in certain cases; but on the whole it will, in my opinion, do a great amount of good; directly in preventing abuses far worse and far more numerous than any which it can generate; and indirectly by giving the sanction and support of law to such sentiments as ought to prevail respecting the right of women to hold a position of equality with men in all respects in which nature and social or domestic circumstance do not make it impracticable.

But people of property are not the only people to be considered. They are indeed the people least to be considered. The wives of the poor are those whom it would be especially desirable to protect. It is amongst the poor that the element of physical strength contributes so largely to the predominance of the husband; and it is not easy to exempt by law the

earnings or small chattels of a wife from the effects of physical force, if the husband should be disposed to exert it; and amongst the poor the husband would in all probability resort to physical force in any case in which the relations between the two were such that the wife would resort to the Courts. Mr. Hastings and Mr. Cyrus Field, in their evidence given to the Select Committee of the Commons in 1868, adduce American experience to show that no difficulty and no discord is occasioned in families by laws giving wives an exclusive property in all that they earn as well as in all that they own. But in most, if not all, of the States of the Union, there are two variations from the law and the social circumstance of England which very much limit the applicability of American experience as a guide for English legislation. The facilities for divorce and re-marriage are far greater; and far greater also is the ease with which a woman can obtain a living without a man's help. In England the wives of the labouring men could not often avail themselves of separation or divorce even if all possible legal facilities were afforded them: and I am afraid that amongst the poor, if civil jurisdictions are to be of much use, criminal jurisdictions must come in aid of them. And why should they not? it may be said. To answer that, it is necessary to look at the operation of the laws which already exist for the protection of women. What their sufferings are from brutal husbands of the poorer classes, is adverted to by Mr. Mill in strong language,

but in no spirit of exaggeration. The brutalities of which he speaks are frequent; they are atrocious and detestable; and what law can do to abate them law ought to do. But when we come to inquire what it is within the scope and power of legislation to accomplish, we meet with much discouragement. The existing law no doubt might be, and ought to be, so amended as to establish a just standard of penal severity: a flogging Act should be passed, such as was proposed in the House of Commons some years ago, not without strong indications of a feeling in its favour. But the unhopeful feature of the case is that Courts and magistrates are too often as feeble and effeminate as the culprits they have to deal with are savage; so that even the inadequate punishments permitted by the existing law are but rarely inflicted in full measure. The wife, even if in the first impulse of a just anger she brings a charge against the husband, is induced, when that impulse is spent and she considers the consequences to herself and her children, to intercede for him with the magistrate: and whether it be to save the injured wife from after resentment and her and her children from the workhouse, at the expense of other wives for whose protection an exemplary sentence is required; or whether it be as part and lot of the unaccountable imbecility which, in the summary jurisdictions at least, pervades the administration of our laws against cruelty and violence, the magistrate reduces the often impotent penalty of the law to something even

more nugatory than need is. The want of a Public Prosecutor, which enervates and stultifies our whole system of criminal jurisprudence, is in no class of cases more conspicuous than in this. Such an officer, acting not necessarily at the instance of the wife, but from information derived from police officers or others, would see to the due administration of justice, and to a certain point support and invigorate the more feeble of its ministers; whilst wives would not so often suffer from the vengeance of their husbands, as well as from the crimes which have provoked complaint. And in this way it may be that the institution of a Public Prosecutor would do more for the protection and well-being of the married women of the poor than any equalisation of rights or other measures which have been suggested for their special and peculiar advantage.

Those who are justly indignant at our police magistrates for what appears to most of us to be a contemptible weakness in dealing with cases of wife-beating, have been reminded that wives may be quarrelsome as well as husbands, whose violence may not have been unprovoked. Of course they may. In many cases the very closeness of the relation between man and wife makes it beyond all others a trial of temper; and those who quarrel with nobody else will sometimes have their conjugal quarrels. There is a story of a contentious couple in Yorkshire,—a yeoman and his wife,—who quarrelled one day when their cat and dog lay by the fire in peace and

repose. The wife pointed to them and said reproachfully, "Thou see'st, Jacob, even cat and dog can live peaceably together." "Ay," replied Jacob; "but *tie* them together, and then see what will happen." Provocation is not of course to be overlooked, in apportioning sentences, but when two parties have committed offences, it is better on public grounds that both should be punished, than that either should escape. The offence of the wife is sure to bring some punishment of its own in almost every case; but if it be one punishable by law, she should not be spared any more than her husband; bearing in mind that the object of judicial sentences is not to revenge the individual injured, but to maintain public justice and save many others from the like injury.

Let us now pass from the grievances of married women as such, to those of women generally, suffered through legal disability or otherwise. And it would have been convenient if Mr. Mill had treated separately of the disabilities created by law, specifying the particular provisions of common or statute law to which he takes exception. And further, in this as in many other cases in which existing law is found fault with, a material advance would be made if the promoters of change were to reduce their notions to the form of such statute or statutes as they would propose should be enacted. If a man desires to know what he wants, and if he desires to enable others to know what he wants, and if he desires

to know also, and to make known, what it is possible that law should give him, the best thing he can do is to draft his bill.

All trading occupations are already open to single women, and will be open to married women if the bill now before the House of Commons should become law. Of the learned professions, the Law and the Church are closed against women. Medicine is not absolutely and imperatively closed by law; but under the law the medical schools and a medical board have it in their power to deny what the law renders indispensable. Women are excluded by law from being members of Parliament, magistrates, jurors, mayors, aldermen, or common-councilmen, members of vestries, and guardians of the poor. They are generally excluded by law or custom from holding municipal offices, or offices or employments of trust under the Crown.

Now, if all legal disabilities were removed, there is room for doubt whether women would occupy themselves much otherwise than they do at present; and whether they would or would not, I see no reason to deprecate the removal of most of these disabilities. It is a sort of case in which custom, when founded in what Philosopher Square calls "the eternal fitness of things," can dispense with legal sanctions—custom so founded being stronger than law; and if the custom be *not* founded in the fitness of things, then there would seem to be no good reason why it should be upheld.

As to facts of fitness, it may require some exercise of imagination so to forecast the career of a woman in those of the learned professions not hitherto attempted by women, as to form a correct judgment of the difficulties she would have to overcome. In the Church we have abundant experience of women, as the wives of clergymen or otherwise, performing some of the more important of a clergyman's duties more effectively than men can perform them. "Sacerdos per Hic et Hæc olim declinatur," was said by a poet* of the twelfth century of the priest in the ages before he was condemned to celibacy; and since he has been redeemed from celibacy we may say it again. And if a clergyman and his wife make, not only one flesh, but not seldom one minister of the Gospel, I cannot affirm with confidence that there is any reason in the nature of things—whatever reason there may be derivable from Scripture—why there should not be a female clergy. It is hard to say whether some of the ministering functions for which women are better qualified than men should not be as highly estimated as the *officiating* duties of clergymen; and it may be a question whether some of these even might not be quite as well performed by women of a high order and an age more than merely mature, as they are by many of our clergy. About preaching probably more difficulty would be made. Women's preaching did

* Walter de Mapes. He translated from the Latin into French, at the instance of Henry II., the romance of the 'Saint Graal.'

not find favour with Dr. Johnson,—“Sir, a woman’s preaching is like a dog walking on his hind legs. It is not done well, but you are surprised to find it done at all.” But in Johnson’s time learned or cultivated women were much more rare than they are now; and they are now more rare than they may in no long time become; and indeed in proportion to learned and cultivated men, than they were 300 years ago. Nicholas Udall’s account of the women of Henry the Eighth’s time (given in his epistle to Queen Katharine) describes a prevailing female proficiency which is more than we can quite claim for the present generation, but not more than we may hope to see attained in the next, when the class of women who now read more widely than average men of the same class, may come to read also more deeply. It may then come to be said once more—

“What a number is there of noble women, especially here in this realm of England, yea, and how many in the years of tender virginity, not only as well seen, and as familiarly traded, in the Latin and Greek tongues as in their own mother language, but also both in all kinds of profane literature and liberal arts, exacted, studied, and exercised; and in the Holy Scriptures and theology so ripe, that they are able, aptly, cunningly, and with much grace, either to indite or translate into the vulgar tongue, for the public instruction and edifying of the unlearned multitude! Neither is it now a strange thing to hear gentlewomen, instead of most vain communication about

the moon shining in the water, to use grave and substantial talk in Latin or Greek with their husbands of godly matters."

Now, in women who have attained, or in process of time shall attain, to this measure of knowledge and intelligence, and who shall have ceased from vain communications about the moon, why, it may be said, should the gift of preaching be wanting? and from those who have it, why should the opportunity of employing it be withholden? And even if they should be unable to preach good sermons of their own, is there any reason why they should not preach those of others? Bishop Bull advised young clergymen not to preach sermons of their own writing; and probably there are few hearers of sermons who would not wish that the same advice should be given and taken in the case of very many clergymen, both young and old.

If I am asked, then, why there should not be a female clergy, I repeat that I know of no reason in *the nature of things* why not. But, on the other hand, I am far from confidently maintaining that there ought to be a female clergy. I am not convinced that I can understand the nature of things in matters hitherto unattempted and untried. Custom and customary sentiment is strongly against it. I am very far from being disposed to be servile to custom; but old and unbroken custom is, as far as it goes, a presumption in favour of what it supports; not only because old custom may be assumed

to have proceeded out of a fitness (fugacious possibly, but not impossibly permanent); but also because it makes a fitness where there was none. Old custom is the parent of adaptations and conformities, and some old customs should be rather left to be undermined than sought to be overthrown.

Mr. Mill does not mention the Church as a career to be thrown open to women. Perhaps he does not think it worthy of them. He does mention the Law; whereas I, on my part, am disposed to think that this is the one of the learned professions which is *unworthy* of women; and also that there is a special unfitness on the part of women to undertake it. It was called by Serjeant Maynard, "*ars bablativa*." If it were so, it would be quite as little suited to highly educated women as to intellectual men. But it is not so; and it is from another point of view that I object to it. Mr. Mill affirms that if he can show that women should be admitted to public functions, it ought to be granted that they are admissible to all other occupations. But when he has to meet objections to "girls in their teens," and "young wives of two or three and twenty," he says these are not the persons in question, but rather "widows, or wives of forty or fifty." But I would ask Mr. Mill how a widow or a wife of forty or fifty is to jump into practice at the Bar without having been brought up to the Bar from her early girlhood? "Commencez par le commencement, Belier, mon ami;" and let us in the first place follow

the small foot of our law pupil to the chambers of the Special Pleader, who is her tutor, and see what happens. There we behold her seated—

“ Among the blest, the chosen few
(Blest if their happiness they knew),
Who for three hundred guineas paid
To some great master of the trade,
Have, at his rooms, by special favour,
His leave to use their best endeavour,
By drawing pleas from nine till four
To earn him twice three hundred more ;
And after dinner may repair
To 'foresaid rooms, and then and there,
Have 'foresaid leave, from five to ten,
To draw the 'foresaid pleas again.” *

At ten o'clock at night, therefore, after a day spent with a company of assiduous young gentlemen, distinguished by that modesty and backwardness which guarantees success at the Bar, we are to trace the small footstep back through Holborn or the Strand, to her confiding parents, or her solitary lodging, as the case may be. A year or two having been so passed without adventures, and the young lady having kept her terms at the Temple or Lincoln's Inn, she hires convenient chambers and half a clerk, and receives attorneys and others who may have occasion to transact business with her. Then come the circuits and the attendance in courts, civil and criminal, where she acquires a daily familiarity with all the villainies that are done under the

* Anstey, 'Pleader's Guide.'

sun and all the vices that mix themselves up with indictable offences or lead to litigation. "Touch not, taste not, handle not," may have been the admonition conveyed to her mother or her grandmother when they were girls, and remembered even when they were "widows or wives of forty or fifty ;* but it is the business of our learned friend to handle everything, making the most or the least of each atrocious or scandalous offence, according to the part she is called upon to take in attacking or defending it. Mr. Mill "sees not the smallest reason to doubt" that she would perform her task fully as well as a man ; and therefore we may expect to see her in due season mount the Bench, whence (unless by that time a feminine or emasculated majority in Parliament shall have abolished punishment by death) we may hear her, after duly exchanging her wig for the black cap, sentence a prisoner at the bar to be taken to the place whence he came and be hanged by the neck until he is dead. Looking at this career, in its several steps and stages, from one end of it to the other, I am of opinion that a good girl would rather herself be hanged by the neck than undertake it.†

* In the rising generation some of the daughters are said to have changed places with the widows and wives. I have heard of a young lady who, being asked whether she had read a certain rather questionable novel, replied that she had been obliged to look through it to see whether it was fit for her mother to read.

† I allow *myself* (though not otherwise allowed) to quote a letter from a friend, the authoress of two delightful biographies,—the

Of the learned professions there remains Medicine. In this some experiments have been already made, and more are in progress; and I think they ought to have a fair trial, and that the Act of 1858, and any other obstructive provisions of law, should be so amended as not to empower public medical authorities to refuse the right to practise to women whose qualifications are the same as those which entitle men to practise. In some branches of practice, female practitioners, if competent—and I see no reason why they should not be competent when duly instructed—would be manifestly preferable to male. In other branches, anatomical studies and the necessity of dissection would be stum-

'Life of the Right Hon. Hugh Elliot,' and the 'Life of Gilbert Elliot, first Earl of Minto':—"There is one side of the question which you bring prominently forward which I have always wondered to see forgotten; the mischief which would be caused to the whole race by *both halves* of it becoming absorbed in one great competitive struggle. There can be no question that in many houses it is the woman's influence which widens the intellectual horizon of the man. He may have higher and deeper powers of vision than she; but she has often larger sympathies; and not being herself absorbed in a professional pursuit, as he very commonly is, she keeps up in the house that love of general literature, of various kinds of knowledge, which does so much to refine character and influence happiness. At the present moment I think the sex *very terrible!* I have no doubt they have the highest motives for all they do. The impression they make on me is—"how awful virtue is!" Your *small foot*, tracing its way along the legal road, has a little touch of the same innocence in which 'Divine Philosophy' keeps her votaries. Oh! believe me, the women who will take to that line are a *large-footed* race. I see them from here—cork soles, patent leather and all—and in this faith is my hope."

bling-blocks on the threshold ; and there may be some difficulties in the way of opening medical schools to female pupils. No one, it is true, would desire to see girls of our time explore such fields of physiology as were treated by Abella and Trottula in the Middle Ages (if the work ascribed to the latter was really hers) ; and whatever limits should be assigned to lecturers and teachers, the mixing of male and female pupils would seem to be, in our time and country at least, undesirable. In our medical schools those of the students whose nature is not its own prophylactic, are said to take a taint of hardness and coarseness in the crude season of their early professional training, which it requires some years of maturer life and the humanities of their calling to correct. On the other hand, however, it may be said that feminine nature, if spared all unnecessary contact with masculine in the process, is in itself so much less corruptible in this kind, that it may be better fitted for the trials to be encountered : and though most women will probably shrink from such trials, there may be not a few with pure minds and brave hearts who will not ; and if a new vocation shall be provided for these, and one of an order and quality so high and beneficent, a great object will be gained for mankind. But at first, and unless and until medical schools exclusively female can be constituted, the difficulties to be met with must be real and formidable.

Leaving the learned professions we come next to

employments in the public service. Mr. Mill would have women to be considered eligible for all such employments, from the cabinet minister's to the clerk's. And, of course, he would have them to be eligible for seats in Parliament.

Now as to clerkships, and employments in the public service of that class and kind, before the Government is called upon to give girls and women appointments in public offices, it would be well to inquire why they are not employed in similar capacities in the counting-houses of bankers or merchants or the offices of the railway companies. It is not, I think, because they are considered incompetent to the transaction of the business usually transacted by clerks. They are employed by retail dealers ; and they do the book-keeping of shops, if not as well as men yet well enough. I can only account for their exclusion by ascribing it to the inconvenience of mixing the sexes in the transaction of such business as is to be transacted in rooms, not, like shops, open to public view ; and to the reluctance of employers to assume the serious responsibility of looking after girls and women in matters of conduct and character. Men are left to take care of themselves : the care they do take is often not much ; but if girls were left to take as little, the consequences would be what the world considers worse.

If the inconvenience of mixing the sexes is a sufficient reason for excluding women from the counting-houses of

merchants and bankers, it is a reason more than sufficient for their exclusion from Government offices. The discipline of Government offices is necessarily much more lax than that of counting-houses. The clerk employed by the Government holds his office in these days, not so much during good behaviour, as during what is not extravagantly bad behaviour : for the misconduct must be flagrant and distinctly provable to induce heads of departments to face the difficulties attending a dismissal—difficulties possibly to include a grievous sacrifice of public interests by wasting the time of the House of Commons. Members of that House will sometimes inflict such a sacrifice on very slender grounds ; and if they will do so in favour of a male delinquent who pretends that he has been hardly used, much more, and with much more chivalrous pertinacity, would they do so in favour of a female delinquent. Such being the lions in the path of the public employer, the private employer, on the contrary, has only to say, “ You do not suit me : go elsewhere.”

As we proceed upward in the scale of social rank and civil employment, difficulties increase ; and the position of women called upon to exercise authority over men, and of men called upon to render obedience, presents new elements of incongruity. In shopkeeping life, men serve under women, as well as women under men ; in domestic life, men-servants obey ladies : but it may nevertheless be a question whether ladies could con-

veniently exercise authority over gentlemen, or gentlemen over ladies. Distinctions of class may be said to be conventional distinctions; but conventional distinctions are real distinctions. Under the operation of natural laws controlling the sensitivo-rational imagination of man, conventional distinctions have their substantial and inevitable incidents; and of these it is but a juvenile philosophy that would refuse to take account. Should I be asked why, if a lady can exercise authority over her footman, a female Secretary of the Treasury should not exercise authority over the clerks in that department, I answer that, not only difference of education, but distance in social position, gives facilities in the one case which are wanting in the other: and this distance constitutes the irrelevancy of the example of queens adduced by Mr. Mill to show that civil authority can be fitly vested in women. If I am asked why, conversely, the gentleman filling the office of Secretary to the Treasury should not have young ladies under him as junior, and old ladies as senior clerks, the answer is the same: proximity of social position generates relations between ladies and gentlemen which are incompatible with the assumption of official authority by either sex over the other.

Seats in Parliament involve incompatibilities quite as forbidding. Mr. Mill says, "If the political system of this country is such as to exclude unfit men, it will equally exclude unfit women." As the political system

of the country is not, and is not likely to be, such as to exclude unfit men, it is hardly necessary to inquire whether Mr. Mill is right in saying that, if it were, it would exclude unfit women: and the more pertinent inquiry is, whether unfit women would not be a worse element than unfit men; and whether the admission of the unfit of both sexes would not aggravate the unfitness of the unfit members of each. The rough treatment with which man meets man in debate could not be employed by man meeting woman, let the woman be ever so unfit; and if it were, the probability is that the woman would cry. The interference of the Speaker, if a man, could not be exercised towards women with the freedom with which it is exercised towards men, and yet the liberty of speech indulged by women in debate would probably be much larger than that usually permitted to men.

Having come to the end of his argument in favour of admitting women to posts and employments from which they are excluded, Mr. Mill is met by some questions as to how they prosper in some of the higher employments from which they are *not* excluded—in sciences, arts, and literature. He admits that in these kinds no production entitled to the first rank has been the work of a woman; and his endeavour is to account for this “without supposing that women are naturally incapable of producing them.” A series of causes are assigned for this state of

facts ; but from beginning to end of the series we have to ask what, if not natural incapacities, are the causes of those causes. It is only three generations since women have begun to bestir themselves ;—their inferiority in science and philosophy is from want of originality ;—their want of originality is from want of knowledge to bring them to the point from which originality takes its start, which want of knowledge is from want of education ;—their inferiority in literature is owing to men having created a literature before women wrote, so that women became imitators of men as the Romans of the Greeks ;—their inferiority in the fine arts is because they have not pursued them professionally ;—they do not desire fame, nor

“ Scorn delights and live laborious days,”

and this is “only the natural result of their circumstances,” and society has so ordered things. Throughout this array of reasons we have to ask at every step, why is it thus? What are the reasons of those reasons? Why did not women go to work sooner? why did they not find their way to education and knowledge and originality? why did they let men create a literature and not take care to be in at the creation? why have they not pursued the fine arts professionally instead of superficially as amateurs? Why should society, which is male and female, have placed its one moiety more than its other equally capable moiety in circumstances unfavourable to

lofty aims? Surely the one cause causative of all these proximate causes is not to be found in man's superior strength of body; and yet, from one end to the other of Mr. Mill's treatise, dig and delve as we may, no other root of doctrine is to be reached.

And here I come to a curious evolution of Mr. Mill's in his contention for the claims of women. He rebukes with scorn the "silly panegyrics" on the superior moral nature of women offered by those who depreciate their intellectual nature; and he instructs us that such empty compliments must provoke a "bitter smile from every woman of spirit;" seeing that there is "no other situation in life in which it is the established order, and considered quite natural and suitable, that the better should obey the worse." I hardly know by what spirit "a woman of spirit" should be said to be animated, who should resent the opinion that women are morally superior to men, even when entertained by a person who ventures to think that they are intellectually unequal. For myself, though I do not positively deny the intellectual equality, I see some reason to doubt it; and as I might easily be betrayed into the panegyric in question (if an estimate ascribing a specific superiority is to be styled a panegyric), I feel as if I might at any moment be confronted by the formidable "woman of spirit," and withered by her smile. But, in truth, the difference between Mr. Mill and me has a deeper source than any mere difference in our estimates of the intellects and

capabilities of women. His language, which seems so strange at first sight, is the language of indignation at those usages and doctrines by which he conceives that women suffer the loss of independence ; and the deeper difference between him and me is in our respective views of the nature and value of the independence they lose. In taking stock of the benefits to ensue on redeeming women from subjection, he says :—"It would be a grievous under-statement of the case to omit the most direct benefit of all, the unspeakable gain in private happiness to the liberated half of the species. . . . After the primary necessities of food and raiment, freedom is the first and strongest want of human nature the freedom of action of the individual—the liberty of each to govern his conduct by his own feelings of duty, and by such laws and social restraints as his own conscience can subscribe to. . . . He who would rightly appreciate the worth of personal independence as an element of happiness, should consider the value he himself puts upon it as an ingredient of his own. . . . Let him rest assured that whatever he feels on this point, women feel in a fully equal degree." I desire to ask ;—first, is this a just estimate of the value of independence to men ; secondly, is it a just estimate of its value to women ; and thirdly, whether it be so or not, is it well that it should be so ? Freedom and independence are not one, but diverse in kind and quality. One kind of freedom, which has its value no doubt in our eyes, is that

of a man who is free to sell his independence ; and many are the men who sell it in large measure for a small price,—not to provide themselves with “the primary necessities of food and raiment,” but to provide “le superflu, chose si nécessaire,”—very secondary necessities indeed. Another much valued freedom and independence, is that which relates to politics and civil organization, and this has its uses in their construction, control, and conservation ; and very noble uses they are ; and yet the consequences thence proceeding are mixed. Mr. Mill says, that “the love of power and the love of liberty are in eternal antagonism,” and that “when there is least liberty, the passion for power is the most ardent and unscrupulous.” If he means the antagonism whereby the love of power in one man is controlled and suppressed by the love of liberty in another, I agree with him. But if he means (and this is, I think, what he does mean), that the man loving liberty for himself, does not also love power over others, I totally differ from him. And as of individual men, so of classes and combinations of men. In my judgment, the love of liberty is in almost all men, and in absolutely all classes and combinations of men, liable to pass into the love of power, to become blended with it, and ultimately, if no correction shall be met with, to be absorbed by it. I have been accustomed to think that there is no corruption of the passions to which human nature is more subject than to this.

But civil freedom, even when itself uncorrupted, is far from being one and the same with personal independence : the former is a poor possession in comparison with the latter ; and the former is far from being in all its consequences and concomitants propitious to the latter. Personal independence is a high moral and spiritual attribute,—like other such attributes, in some measure subject to circumstance and capable of being impaired : and it is, I think, a mistake to suppose that civil freedom, conferring equal rights and equal opportunities of advancement on all men, does thereby cherish and promote in each man this precious possession of an independence seated in the heart. What it does promote is ambition,—the mother of restless desires and disquieting apprehensions, and the very step-mother of independence, pursuing it "*novercalibus odiis*." He whose natural wants are satisfied as he is and to whom no opportunities of rising present themselves, if his lot be moderately easy, will be contented with it ; whereas he who sees a path ascending from summit to summit always before him, will be tempted to pass his life in striving and struggling, and through uneasy aspirations to forfeit the true independence which walks hand in hand with contentment.

And again, "The only school of moral sentiment," says Mr. Mill, "is society between equals." If it were so, there would be no such thing as a school of moral sentiment ; for, as I have observed already, there is no

such thing as equality. But if there were such a thing and such a school, there are some of the moral sentiments which would not be taught in it, even if there were not some of the more or less immoral sentiments which would. "Let not the strong man despise the weak; and let the weak see that he reverence the strong." That injunction is contained in the "False Gospels," * but it would not have been unworthy of a place in the true. Perhaps, however, all that Mr. Mill means is equality in the eye of the law. This there may be, and there ought to be, and in the main in this country there is; and where there is not, the effect is much the same; for the spirit out of which the legal equality has issued is sure to operate more powerfully in society than the law itself can operate, and there will be pretty nearly all the social equality that nature will permit (which is not much) and the school of moral sentiment will be nature's school and not Mr. Mill's. For, in truth, nature, which has made men differ from women, and has also made them differ from each other—differ in age, differ in health, in animal spirits, in energy, in personal attractiveness, and in intellect, has provided such a school of moral sentiment as could never be found in relations of equality. And nature, furthermore, inasmuch as she has given men an imagination susceptible of impressions from birth, rank, wealth, pomp and cir-

* 'First Epis. Clement.' xvii. 34.

cumstance, has provided yet another school of moral sentiment through social and adventitious inequalities. These are said to be artificial because their derivation from nature is less direct than some other inequalities ; but this makes but little difference ; for, as in the case of Perdita's "streaked gilliflower"—

"O'er that art
Which, you say, adds to nature, is an art
That nature makes."

And what is it that is taught in these schools? Not only patience, forbearance, humility, charity, generosity ; but, I will say also, if Mr. Mill will allow me, personal independence. There is in truth, no purer independence than that of the man who, being contented with his own lot, is contented also to recognize superiority in another, be it of what is inborn, or be it of what is social and extrinsic ; and there is nothing that strikes at the root of personal independence more than the jealousies of plebeian pride. We have this truth constantly before our eyes in our own country ; for men's fear of being accounted by others of less importance than they account themselves, is the counterpart of the hope to rise above equals and to reach the level of superiors : and these hopes and fears are the necessary growth of our free institutions : and thus freedom, with all its progeny of virtues, is the parent of one vice, and that a parricidal vice ; for the pride which is begotten of freedom preys

upon its vitals; and those who set most store by their independence are commonly those by whom independence is unknown; and who, moreover, by an inhibition issuing from their own nature and dispositions, let them rise to what position they may, can by no possibility achieve it. They are, and always must be, in want and in fear. Thus it is that free political institutions, whilst they may be relied upon to make a nation great and rich, and may be expected in some ulterior result, let us hope, to make it, what is more important, good and happy, yet in the mean time and on some natures, perhaps on many, have a mixed operation, not more equivocal in relation to any of the virtues than to that of personal independence: and it may be well, by way of counteraction to some accompanying influences of merely civil freedom, that the female half of human kind should be placed in a position more favourable than that of men for preserving the nobler and purer independence in which many are born, but which, in this country at least, not so many as one would desire are enabled to carry with them through the struggles of an active and eager life.

I will end as I began, with some notice of the general tone and tenour of Mr. Mill's essay. I have spoken of the large measure in which matter of opinion is represented as matter of indubitable truth, ascribing it to the

art of the advocate renouncing for a season the exercise of philosophic circumspection. But perhaps I should have allowed something also for the ardour of the man impelling the philosopher to overleap scientific restraints. And in this ardour I seem to recognize what is not new to me, except as what was old becomes new after many years—that incandescent philosophy so characteristic of Mr. Mill's school of philosophers, when I had the never-to-be-forgotten privilege and delight of meeting them, some forty or five and forty years ago, face to face in debate. I find in undecaying energy, after all this efflux of years, the vigour of the intellectual athlete, the logical subtlety and the gift of luminous exposition by which the school was distinguished : and along with these, I find traces yet left of a still happier gift which belonged to these philosophers then, and which it might have been supposed would have faded away out of sight when their youth was past. Their felicity was that they knew not to doubt. Whilst other minds wandered in a purgatory of perplexities, a paradise of certainties was theirs. I envied and admired the clearness, the intrepidity, the bright and imperious decisiveness with which some of them delivered themselves of whatever doctrines they taught. Yet delighted and dazzled as I was, I sometimes felt that my faith in their doctrines would have been more if theirs had been less. And whilst I surrender no scintilla of my old admiration, the other

feeling has rather grown upon me: I appreciate more and more that element of justness in opinion which consists in gradations of confidence or diffidence; and when opinions are flashed upon me without these pencilings of light and shade, I feel that there is something wanting to place them in the first rank of authority.

CORRESPONDENCE

WITH

JOHN STUART MILL.

Westover Villas, Bournemouth,
28th May, 1861.

MY DEAR MILL,

I received your book * in due course, and I should have thanked you for it long ago, but that I wished to read it first, and I should have read it at once, had I not been moving from Sheen to Freshwater—Freshwater to Lymington—and Lymington to Bournemouth; and had I not left it on my way at Freshwater for Charles Cameron to read and ruminate. Indeed I had read the greater part of it a month ago, and had written a letter to you about it; which, however, now that I recur to it after having read the whole, does not seem worth sending.

I have read no book of political philosophy with half so much interest since I read the ‘Discorsi’ some forty

* On Representative Government.

years ago. Your method is to dwell more in the abstract than Machiavel, and this is perhaps a necessity of your theme,—at least of a large portion of it ; and I found the earlier half of the volume rather a strain upon my attention ; and I should imagine that, so far as the average understanding is concerned (which does not find it easy to hold itself long aloof from facts and examples), a closer collocation of fact and generalization (such as Machiavel uses) would have made your doctrines more accessible ; and I think that sometimes the examples which you employ might have come better as a base of operations in reasoning than as an illustration *after* the effort they might have assisted has been undergone. I am aware, however, that your main dealings being with ideal forms and states, this method might have obliged you to treat in some sort incidentally what it is your object to treat as primary.

I should think the doctrines of the book would be still more useful on the Continent than in this country ; and I hope it will be translated, as it ought to be without delay, into at least three continental languages. In countries where the founders of polities have almost to build from the ground, more of abstract truth is available for use ; and in countries where what exists is intolerable, experiments may be more boldly tried. In our own country, if organic changes shall be hazarded, much of invaluable guidance might be taken from the principles you have set forth ; but for my own part I am a political sceptic

at home, and would run no risks. Amidst considerations so composite as those concerned, proportions and degrees are often more important than principles; and he who is right in his principles may so often be wrong in his admeasurements. The *degree* to which the popular mind, instructed up to this point or that, should be encouraged to venture upon dealing at all with political questions; the *degree* to which instruction will impart judiciousness; the *degree* to which it will promote probity; the *degree* to which equality of representation of conflicting interests or opinions may enable a country to do without political probity in this or that proportion; the *degree* to which it is possible, by the incitements of political power and action, to bring about an energetic pursuit of worthy ends, without evoking along with it an equal or superior energy in the pursuit of those which are unworthy;—all these and a thousand other questions of degree are regarded by you no doubt with no imperfect appreciation of their importance; but you would solve them, or some of them, with much more intrepidity than I could bring to the task.

I recollect that after travelling in Germany and Italy for the best part of a year in 1843-4, I came home much impressed with the more contented and independent condition of mind of the people abroad, as well as one could judge from their faces and manners;—an independence and contentment, partly, I thought, due to temperament, partly to the absence of eagerness for

gain or advancement, which again was owing perhaps to the little room for advancement afforded them by their institutions and political habits. Looking at the face of London on the contrary, in the Strand or elsewhere, I seemed to see—not suffering perhaps—but care and haste. Going into the shops I found a servile eagerness to sell. What may be the proportions of popular debasement and unhappiness which may accompany absolute political impotence and stagnation in one country, or political knowledge and power and the quickenings of political action in another, is a question which I should venture to determine in favour of the polity which lives and moves : but when I come to the further question as to whether I should prefer this country as it is, or this country as it might be made by making it, more than it is, a country of politicians, every man impatient to have things put in the right way according to his own view, I find myself not a little puzzled, and somewhat disposed to inquire into the *measure* of the difference—wide no doubt, but not immeasurably wide—between the competency of the English people at large to understand political measures affecting India (in which neither you nor I have doubts), and their competency to understand the greater part of political measures affecting England ; and I should next be led to inquire into the measure of presumption which attends *incompetency*.

All these doubts and difficulties of mine make me willing to wait for some manifest and momentous func-

tional derangement in the system of government in this country before the risk is run of re-organizing ; and make me glad to see that the people also seem willing for the present to acquiesce in the existing organization ; and I am less than you disposed to be discontented with contentment as an end, less to be contented with discontentment as a means ; and I hardly go along with Costard, who thanked God that he had no more patience than another man.

The two great evils of things as they are, seem to me to be our commercial corruption, and the tyrannical use of irresponsible power by the press, not restrained by any popular dislike of it. As to political corruption and bribery at elections, the inevitable consequence of investing with a political trust those who are incompetent to exercise it, is, that they cannot be made to feel there is much harm in selling it. The man who takes £5 for his vote, may say with truth and sincerity that he does not know which of the two candidates and policies presented for his choice is the best. He does not betray his opinion because he has none. It would probably be inexcusable presumption on his part to pretend to any. When a large proportion of voters are in this predicament, the offence of being bribed is little else than factitious and statutable, and the statute cannot have popular feeling for its support. If indeed it were required of voters to be guided by their estimate of the moral character and general abilities of the candidates, of these they might

often enough be competent judges. But this never seems to be thought of by the voters or by anybody else.

So soon as the inferior classes of the present voters, and the unenfranchised (though not wholly unrepresented) classes, shall have learnt to be guided by good and wise men, instead of selling their votes, or being prepared to sell them, or assuming to have opinions on matters of which they cannot judge, the time will have come, in my estimation, when the franchise may be properly extended to classes below those which now possess it. For this great progress in humility and virtue I am disposed to look mainly to the efforts of the Church and of the Sectarian religious teachers. At least I know not where else to look. Not certainly to the press, unless the press should be reformed first; whereas the newspaper press, taken in its totality, seldom, I suppose, rises above the moral sentiments of its market.

As to Dependencies, I think that in giving them credit for averting wars, you have not taken account sufficiently of their tendency in some cases to *occasion* wars and render them doubly burthensome. I regard Canada as a snare. It exposes us to contingencies which may involve war with the United States: and if war with the United States were to arise either thence or *aliunde*, the war would be, by reason of our obligation to protect Canada and the other North American provinces, a land war of the largest dimensions, instead of a war which we should have the option of carrying on by sea only. The

risk of this contingency is, in my mind, a far greater evil than can be countervailed by any benefit England can derive from her North American (so-called) *Colonies*. They are, in truth, independent Dependencies, exercising self-government often in a very questionable manner, but in the only manner that is possible for them in their present moral and political plight. The proceedings of the legislatures and political functionaries may be in some slight degree the better for having an English gentleman sitting in a chair and looking on; and I have no doubt that the connection, such as it is, between England and Canada, is a good thing for Canada; and one would make Canada very welcome to the advantage, if it were not possible that it might involve England in such enormous losses.

Then, as to attaching the Colonies by giving born colonists their share in the office of Colonial Governor and in other high offices throughout the Empire, there is this to be observed,—that colonists will generally like to be governed by an Aristocratic, or at least a Metropolitan personage, rather than by one of themselves, or by a native of some sister Colony. If there were any high offices to be given them *in England*, they might be as acceptable here as anybody else. But high offices here are reached through early English training to this or that profession, or to English political or administrative life; and there is hardly such training to be had elsewhere than in England as would fit men for

them. Now and then a colonist may be found whom it may be expedient and right to put into a colonial government; but the cases are perhaps fewer than you suppose in which the fit men exist in the Colonies, and fewer still in which their fitness comes forth to notice. Able and efficient men you may easily meet with who have been born and lived in the Colonies, but they are, for the most part, men who have worked their way to the light through the sewers of a Colonial house of assembly. Their fitness for rising into importance in a colony makes their unfitness to represent the honour of the Crown and the English standard of administrative purity. Perhaps, too, they would be found to exercise authority in a somewhat hard and imperious manner, deferring much to public bodies and domineering over subordinate officers. Still what can be properly done in this way from time to time should not be omitted; and a good deal is done in the disposal of judicial offices and others under the highest; observing, however, the rule that where the Crown has the power, high judicial and fiscal offices, if held by colonists, should not be held in the particular colony with which the colonist is connected; but that a promotion from the bar of Jamaica should be made to the bench of Barbadoes, a promotion from the bar of Barbadoes to the bench of Jamaica, and so forth.

So much—perhaps too much—for views and doctrines, on which I have doubts whereof to deliver myself rather than any clear conclusions. And I have always to re-

member that if doubts and distrusts such as mine had had their way thirty years ago, we should have had no Reform Bill ; which would have been a great error indeed. I was just as adverse to that measure as I am now to further changes ; and I should have known no better but for the fact and the result.

And now I should like to know something about you as you are in the flesh,—something of the man John Mill. I do not know even where you live or how to direct to you except at your publisher's ; and I do not know how long it is since I have seen you, or whether I shall see you again. Till the last month I have been confined to the house for the greater part of two years by a sort of bronchitic asthma ; and I have every prospect of being confined to the house again as soon as the warm weather is over. But even if I were going about, it is not likely that I should fall in with you ; who are as much unseen as if *you* were shut up too ; walking the earth only in books. In that form I am glad to find you ; though I should like something which might serve still better to bridge that great gulph of thirty years and upwards, and take me back to the weekly breakfasts in Suffolk Street or elsewhere. I often think of the knot of young men who ate those breakfasts ; much condemned for throwing away their talents and ruining their prospects by the profession of extravagant opinions ; and how they went their several ways in the world and got what they desired,—literary power and eminence, seat

in the cabinet, seat on the bench, peerage, half a million of money. And all still living except one (none more attractive than he), whose success could not be doubted had he had not fallen by the way.

Believe me,

Ever yours sincerely,

HENRY TAYLOR.

Blackheath Park, Kent,

July 5th, 1861.

MY DEAR TAYLOR,

Your letter, of May 28th, came while I was abroad, and I have not hitherto had time to make the acknowledgment which is due to the feelings you express and to the considerate and sympathizing view which you take of what I have been endeavouring to do. I am very glad that my treatment of the subject, as a general thesis, has obtained so much of your approbation. With regard to its applicability to this country and immediately, I am quite alive to the force of many of the considerations which you bring forward. You only state them as misgivings; and as misgivings I share most of them; though probably in a considerably less degree than yourself. On one thing we are almost sure to be agreed; that whenever the movement for organic change recovers strength, which may happen at any time and is sure to

happen at some time, it will make a great practical difference what general theories of constitutional government are then in possession of the minds of cultivated persons. It is as a preparation for that time that my speculations, if they have as much truth in them as you seem to think they have, may be valuable. In the meantime, while they keep up the faith in possibilities of improvement, they tend rather to moderate than to encourage eagerness for immediate and premature changes of a fundamental character. If the opinions make any way, they will influence, more or less, what is done from time to time in the way of partial improvement; and while changes in right directions will be facilitated, the barriers will, I hope, be strengthened against those of a bad tendency. It is not to you that anything need be said on the necessity of keeping a true ideal before one, however widely the state of facts may differ from it; and the extreme peril, both of having a false ideal, and of having no ideal at all; between which states (with a tendency at present towards the latter) politicians, both speculative and practical, seem to be divided.

I am very sorry to hear that your health imposes on you so much confinement. I hope that is the worst of the inconveniences it causes you. I, too, am not likely to forget the old days you remind me of; nor any of those with whom I used to discuss and compare notes, so agreeably and usefully to myself. If I have ceased to frequent them, it is not from estrangement, but because

society, even of a good kind, does less and less for me ; and I have so much to do in the few years of life and health I can look forward to (though my health is now on the whole good), that I really have no time to spare for anything but what is at once absolutely necessary to me and the only thing besides reading which is a real relaxation,—active out-door exercise. I do not, however, give up the hope of again seeing you, and to do so will always be a pleasure.

I am, dear Taylor,

Very sincerely yours,

J. S. MILL.

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